

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/675

- Applicant** : 成利工程有限公司
- Site** : Lots 1559 (Part), 1560, 1563, 1564, 1565, 1566, 1567, 1568 and 1570 in D.D. 118 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : 1,896 m² (about) (including GL of about 30 m² or 1.58%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Vehicle Repair Workshop and Open Storage for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary vehicle repair workshop and open storage for a period of three years and associated filling of land at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is currently vacant and mainly covered by soil (**Plans A-4a** and **A-4b**).
- 1.2 According to the applicant, the current application is to facilitate the relocation of a temporary vehicle repair workshop and open storage of construction materials business operating at Lots 1471 (part), 1472 S.B. (part), 1476 (part) and 1480 (part) in D.D. 119 in Tong Yan San Tsuen (TYST) which will be resumed by the Government for the implementation of Yuen Long South (YLS) Development. The applicant has conducted a thorough site-selection process before identifying the Site as the most suitable site for relocation. Although the size of the Site (i.e. about 1,896 m²) is 74% (or about 804 m²) larger than its affected business in TYST (i.e. about 1,092 m²), the applicant considers that the Site is the most suitable location for the applicant due to operational needs and its proximity to its affected business in TYST.

- 1.3 The Site is accessible from Tai Shu Ha Road West via a local track with an ingress/egress point at the south (**Drawing A-1** and **Plan A-2**). The proposed uses comprises seven single-storey structures (3m to 7m in height) for vehicle repair workshops, offices cum toilet and meters room with a total floor area of not more than 410 m² and an open storage area of about 164 m² (8.65% of the Site) for construction materials (**Drawing A-2**). Two parking spaces for Light Goods Vehicles (LGVs) of 7m x 3.5m will be provided (**Drawing A-1**). The applicant also proposes to fill the entire site (1,896 m² with concrete of a depth of about 0.2m) for site formation and circulation area (**Drawing A-2**). To mitigate potential landscape impact, the applicant proposes to plant 10 new trees of local species within the Site (**Drawing A-3**). No storage of dangerous goods would be carried out on the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the site layout with vehicles access, site paving plan and landscape proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 20.8.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 26.8.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 4.12.2024* (**Appendix Ib**)
 - (d) FI received on 19.2.2025* (**Appendix Ic**)
 - (e) FI received on 3.3.2025* (**Appendix Id**)
 - (f) FI received on 14.3.2025* (**Appendix Ie**)
 - (g) FI received on 17.3.2025* (**Appendix If**)
 - (h) FI received on 18.3.2025* (**Appendix Ig**)
 - (i) FI received on 21.3.2025* (**Appendix Ih**)
**accepted and exempted from publication and recounting requirements*
- 1.5 On 4.10.2024 and 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I** to **Ih**. They can be summarised as follows:

- (a) the applicant is operating vehicle repair workshop and open storage of construction materials business at a site in TYST which will be returned to the Government in May 2025 due to land resumption for YLS Development. Successful relocation to the Site would help minimise disruption to the applicant's business operations;

- (b) the applicant has spent efforts on identifying suitable alternative sites for relocating the affected business in TYST. However, those sites are considered not suitable or impracticable due to various shortcomings such as high rental fee and remote locations;
- (c) approval of the application for temporary uses would not frustrate the long-term planning intention of the “AGR” zone and would better utilise land resources in the New Territories; and
- (d) given the small scale of the proposal, the traffic and drainage impacts are minimal. Sufficient loading/unloading and manoeuvring spaces will be provided within the Site. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) to minimise environmental impact and nuisance to the surrounding areas.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending the notice to the Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

There is one similar application (No. A/YL-TT/583) for temporary vehicle repair workshop and open storage for a period of three years within the same “AGR” zone in the past five years. The application was approved with conditions by the Committee in 2023 mainly on the considerations that the temporary use would not jeopardise the long-term planning intention of the “AGR” zone; being not incompatible with the surrounding uses; having policy supports from the Development Bureau and the departmental concerns could be addressed by imposing approval conditions. Details of the application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) currently vacant and mainly covered by soil; and

(b) accessible from Tai Shu Ha Road West via a local track.

7.2 The surrounding areas are predominantly rural in character comprising open storage/storage yards, temporary structures, unused/vacant land intermixed with some farmland and an orchard. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the subject “AGR” zone.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau and department as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III** and **IV** respectively.

9.2 The following government bureau supports the application.

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a business operation for vehicle repair workshop and open storage in Yuen Long, which is affected by the YLS Development;
- (b) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere to pave way for the clearance under the YLS Development, and the Site under the current application is the most suitable relocation site. The applicant also claims that the Site, which is larger than their current facility, is the only suitable site identified after a thorough site search and is necessary to accommodate their operational needs; and
- (c) in view of the above and subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.3 The following government department does not support on the application.

Agriculture and Nature Conservation

9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” zone and is abandoned. There are active agricultural activities in the vicinity and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed uses are not supported from agricultural perspective; and
- (b) no comment from nature conservation point of view.

10. Public Comments Received During the Statutory Publication Period

On 27.8.2024, the application was published for public inspection. During the statutory public inspection period, three public comments were received. The comment from the Chairman of Yuen Long Town Centre and Rural East Area Committee expresses no comment on the application (**Appendix VI-a**). Two comments are from individuals (**Appendix VI-b**) objecting to the application mainly on the grounds that there is no previous application of the Site and the proposed uses are not in line with the planning intention of the “AGR” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary vehicle repair workshop and open storage for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed uses are not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation. Nevertheless, according to the applicant, the application is to facilitate relocation its business operation affected by the YLS Development. Although the size of the Site (i.e. about 1,896 m²) is 74% (or about 804 m²) larger than its affected business in TYST (i.e. about 1,092 m²), the Site is the most suitable location for the applicant due to operational needs and its proximity to its affected business in TYST. To facilitate relocation of the business operation at TYST in Yuen Long which is affected by the YLS Development and given no adverse comments on land use compatibility and technical aspects from concerned departments, SDEV supports the application from the policy perspective. Taking into account the planning assessments below, it is considered that sympathetic consideration may be given to the application on a temporary basis of three years.
- 11.2 The applicant also proposes to fill the entire Site (i.e 1,896 m²) with concrete of a depth of 0.2m for site formation and circulation area. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of

Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 11.3 The proposed uses are generally not incompatible with the surrounding areas which are predominantly rural in character comprising open storage/storage yards, temporary structures, unused/vacant land intermixed with some farmland and an orchard (**Plan A-2**). To mitigate the potential landscape impact, the applicant has submitted a landscape proposal which proposes to plant 10 new trees within the Site (**Drawing A-3**). In this regard, the Chief Town Planner/Urban Design & Landscape of Planning Department has no comment on the application from landscape point of view.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to/no adverse comment on the application from traffic and fire safety aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. The applicant will also be advised to follow the latest “Code of Practice” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 A similar application was approved by the Committee in 2023. Approval of the current application is in line with the previous decision of the Committee.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 11.4.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.10.2025;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.1.2026;

- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.5.2025;
- (e) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.10.2025;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 11.1.2026;
- (g) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) upon expiry of the planning permission, the reinstatement of the application site, including the removal of the fill materials and hard paving and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed uses with associated filling of land is not in line with the planning intention of the "Agriculture" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 20.8.2024
Appendix Ia	SI received on 26.8.2024
Appendix Ib	FI received on 4.12.2024
Appendix Ic	FI received on 19.2.2025
Appendix Id	FI received on 3.3.2025
Appendix Ie	FI received on 14.3.2025
Appendix If	FI received on 17.3.2025
Appendix Ig	FI received on 18.3.2025
Appendix Ih	FI received on 21.3.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Good Practice Guidelines for Open Storage Sites
Appendices VI-a and VI-b	Public Comments
Drawing A-1	Site Layout Plan with Vehicle Access
Drawing A-2	Site Paving Plan
Drawing A-3	Landscape Proposal
Plan A-1	Location Plan with Similar Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4 and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**