

TPB Paper No. 10568
For Consideration by the
Town Planning Board
On 9.8.2019

REVIEW OF APPLICATION NO. A/YL-HTF/1092
UNDER SECTION 17 OF THE TOWN PLANNING ORDINANCE

**Proposed Temporary Warehouse of Electric Spare Parts
for a Period of 2 Years in “Agriculture” Zone,
Lot 384 RP in D.D.128, Deep Bay Road, Lau Fau Shan, Yuen Long**

1. Background

- 1.1 On 4.10.2018, the applicant, Jiin Yeeh Ding (H.K.) Enterprises Limited, sought planning permission for proposed temporary warehouse of electric spare parts for a period of 2 years under s.16 of the Town Planning Ordinance (the Ordinance) at the application site (the Site). The Site falls within an area zoned “Agriculture” (“AGR”) on the Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12 (**Plan R-1**).
- 1.2 On 12.4.2019, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) decided to reject the application and the reasons were:
- (a) the development is not in line with the planning intention of the subject “AGR” zone which is intended to 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. There is no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis;
 - (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas; and
 - (c) approval of the application will set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.
- 1.3 For Members’ reference, the following documents are attached:
- (a) RNTPC Paper No. A/YL-HTF/1092B **(Annex A)**
 - (b) Extract of minutes of the RNTPC Meeting held on 12.4.2019 **(Annex B)**
 - (c) Secretary of the Board’s letter dated 3.5.2019 **(Annex C)**

2. Application for Review

On 15.5.2019, the applicant, under section 17(1) of the Ordinance submitted a letter for a review of the Committee's decision to reject the application (**Annex D**).

3. Justifications from the Applicant

The applicant does not provide any justification to support the review application.

4. Background of the Site

4.1 The Site is not subject to planning enforcement action.

4.2 The Site was part of three previous enforcement actions against unauthorized development (UD) in 2005, 2013 and 2016 involving filling of land (2005) and storage use (2013 and 2016). Enforcement Notices (EN) were issued on 30.11.2005, 10.7.2013 and 13.6.2016 to the concerned parties respectively. The UD were discontinued and Compliance Notices (CN) were issued on 28.4.2006, 30.7.2015 and 7.12.2016 respectively.

5. The Section 16 Application

The Site and Its Surrounding Areas

5.1 The situation of the Site and its surrounding areas at the time of the consideration of the s.16 application by the Committee was described in paragraphs 7.1 and 7.2 of **Annex A**. There has been no major change in the situation since then.

5.2 The Site is:

- (a) currently paved and vacant (**Plans R-2, R-4a to R-4c**); and
- (b) accessible from a local track from Deep Bay Road.

5.3 The surrounding areas have the following characteristics: (**Plans R-2, R-3, R-4a to R-4c**)

- (a) to the north across Deep Bay Road within area zoned "Coastal Protection Area" ("CPA") is two open storage yards of converted containers and scrap vehicles, a residential dwelling (about 43m away), an orchard, a pond and some grass land. To the further north is the wetland in Deep Bay;
- (b) to the east is scrubland and to the further east is the Shenzhen Bay Bridge; and
- (c) to the west and southwest are open storage yards of metal wares and construction machinery. To the south is scrubland. To the further southwest (about 55m away) are 2 residential dwellings.

Planning Intention

- 5.4 There has been no change in planning intention of the concerned “AGR” zone as mentioned in paragraph 8 of **Annex A**. 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.

Previous Applications

- 5.5 The Site is involved in 4 previous applications No. A/YL-HT/414, 458, 471 and 884. Application No. A/YL-HT/414 covering a much larger site of about 52 hectares for a temporary racing circuit for a period of 3 years was rejected by the Committee on 29.7.2005 on the grounds that the proposed development was not in line with the planning intention of the “AGR” and “Green Belt” (“GB”) zones; there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts; and approval of the application would set an undesirable precedent for similar applications in the “GB” and “AGR” zones.
- 5.6 Applications No. A/YL-HT/458, 471 and 884 covering the Site or a slightly larger site for temporary warehouse uses were rejected by the Committee/Board upon review on 1.9.2006, 30.3.2007 and 6.6.2014 respectively. The rejection reasons were that the development was not in line with the planning intention of the “AGR” zone; there was insufficient information to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications within the “AGR” zone and the cumulative effect of which would result in a general degradation of the quality of agricultural land in the “AGR” zone. Details of these previous applications are summarised at **Appendix II** of **Annex A** and their locations are shown on **Plan R-1**.

Similar Application

- 5.7 There is one similar application (No. A/YL-HT/856) for temporary open storage of construction material and warehouse use for a period of 3 years within the same “AGR” zone on the OZP. It was rejected by the Board upon review on 15.11.2013 for the reasons that the development was not in line with the planning intention of the “AGR” zone; the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site; there were adverse departmental comments; and approval of the application would set an undesirable precedent for similar applications in the area. Details of the application is summarized at **Appendix III** of **Annex A** and the location of this application site is shown on **Plan R-1**.

6. Comments from Relevant Government Departments

- 6.1 Comments on the s.16 application made by relevant government departments are stated in paragraphs 9.1 and 9.2 of **Annex A**.

- 6.2 The following government departments have been further consulted and their comments are summarised as follows:

Nature Conservation

- 6.2.1 The Director of Agriculture, Fisheries and Conservation (DAFC) maintains his previous view of not supporting the application from agricultural point of view and has the following comments on the review application:

The applicant does not provide any supplementary information to support the review application. It is noted that the Site falls within an area zoned “AGR” on the OZP and is a piece of paved vacant land. The agricultural infrastructures such as road access and water source are available. The Site possesses high potential for agricultural rehabilitation.

- 6.3 The following Government departments have no further comments on the review application and maintain their previous views on the S.16 application in paragraph 9.1 of the RNTPC paper in **Annex A**. The main views are recapitulated below:

Traffic

- 6.3.1 Comments of the Commissioner for Transport (C for T):

- (a) He does not support the application from traffic engineering point of view.
- (b) Although the applicant claimed that the development would only involve traffic flow of vehicles twice a day, he considered that the figure was underestimated on the basis of the site size and the proposed 4 light goods vehicle (LGV) parking spaces and 4 LGV loading / unloading facilities within the Site.
- (c) Given the Site is proposed to be accessed through Deep Bay Road which is a single track road with passing bays, the potential traffic impact arising from the development shall be assessed by the applicant.

Landscape

- 6.3.2 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has objection to the application from landscape planning point of view.
- (b) The Site, located to the west of Shenzhen Bay Bridge and to the south of Deep Bay Road, falls within an area zoned “AGR” zone. The Site is the subject of 4 previously rejected applications. In the previous application No. A/YL-HT/884, he had objection to the application from the landscape planning perspective.
- (c) The Site is located in an area dominated by farmland, fishponds, tree

groups and mangroves. Some storage yards and temporary structures can be found further east and west of the Site. The Site is hard-paved and currently vacant with self-seeded vegetation within the Site. Adverse impact to the landscape character and its resources has taken place without planning approval.

- (d) If this application is approved by the Board, it will set an undesirable precedent which may likely encourage other similar applications to clear and form the sites prior to planning permission obtained. The cumulative impact of which would result in the general degradation of the rural landscape character and overall integrity of the “AGR” zone.

6.4 The following government departments have no further view/comments on the review application and maintain their previous views on the s.16 application as stated in paragraph 9.1 of **Annex A**.

- (a) District Land Officer/Yuen Long, Lands Department (DLO/YL, LandsD);
- (b) Director of Environmental Protection (DEP);
- (c) Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD);
- (d) Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD);
- (e) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (f) Director of Fire Services (D of FS);
- (g) Antiquities and Monument Office (AMO);
- (h) District Officer (Yuen Long) (DO(YL)).

6.5 The following government departments maintain their previous views of having no comment on the review application.

- (a) Project Manager/New Territories West, Civil Engineering and Development Department (PM/NTW, CEDD);
- (b) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD);
- (c) Commissioner of Police (C of P); and
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

7. Public Comments on the Review Application Received During Statutory Publication Periods

7.1 On 24.5.2019, the review application was published for public inspection for three weeks. During the statutory public inspection period, which ended on 14.6.2019, 4 public comments were received from the Hong Kong Bird Watching Society (HKBWS), Kadoorie Farm & Botanic Garden Corporation (KFBG) and two individuals objecting to the review application (**Annex E**). The main objecting reasons are summarized below:

- (a) the proposed development is not in line with the planning intention of the “AGR” zone;

- (b) the proposed development would generate adverse traffic and landscape impacts on the surrounding areas;
- (c) approval of the application would set an undesirable precedent for similar applications and cumulative effect of which would result in general degradation of the environment of the area;
- (d) there are potential impacts on sensitive coastal and natural scenery from the development; and
- (e) the Board should not encourage “destroy first, build later” of unauthorized development of open storage uses.

7.2 Four public comments were received at the s.16 application stage and are set out in paragraph 10 of the RNTPC Paper in **Annex A**

8. Planning Considerations and Assessments

- 8.1 The application is for a review of the Committee’s decision on 12.4.2019 to reject the subject application for proposed temporary warehouse of electric spare parts for a period of 2 years at the Site zoned “AGR” on the OZP (**Plan R-1**). The application was rejected for the reasons that the proposed development was not in line with the planning intention of the “AGR” zone, the applicant fails to demonstrate the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications for other developments.
- 8.2 The applicant does not submit written response to substantiate the review application (**Annex D**) and there is no change in planning circumstances. Planning considerations and assessments on the review application are appended below.

Planning Intention of “AGR” Zone

- 8.3 The subject application is for proposed temporary warehouse of electric spare parts for a period of 2 years at the Site zoned “AGR” on the OZP. The planning intention of the “ARG” zone is 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. The proposed temporary warehouse of electric spare parts use is considered not in line with the planning intention of the “AGR” zone. In this regard, DAFC maintains his view of not supporting the application from agricultural point of view as the Site possesses high potential for agricultural rehabilitation. The applicant does not provide any supporting document to substantiate any strong planning justification to merit a departure from such planning intention, even on a temporary basis.

Incompatible with Surrounding Areas

- 8.4 The Site is located in a rural neighbourhood surrounded by unused land, fallow agriculture land and fish ponds, wetland in Deep Bay is located to its further north (**Plan R-2a**). In this regard, CTP/UD&L, PlanD maintains his view of objecting the application from the landscape planning perspective as the Site has been hard paved

and adverse impact to the landscape character and its resources has taken place without planning approval. The proposed use is not compatible with the surrounding landscape character. The approval of the application would set an undesirable precedent attracting other incompatible uses to proliferate in the area and encouraging other similar applications to clear the sites prior to obtaining planning permission.

Adverse Traffic Impacts

- 8.5 C for T maintains his view of not supporting the application from traffic engineering point of view. He has concern on the potential traffic impact arising from the applied use on Deep Bay Road which is a single track road and the applicant has yet to address his concern. In this regard, the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas.

No Previous Planning Approval

- 8.6 The Site is subject of 4 previous applications (No. A/YL-HT/414, 458, 471 and 884) for a temporary racing circuit and various temporary warehouse uses which were rejected by the Committee/the Board on review on 29.7.2005, 1.9.2006, 30.3.2007 and 6.6.2014 respectively mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; there was insufficient information to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications within the “AGR” zone and the cumulative effect of which would result in a general degradation of the quality of agricultural land in the “AGR” zone.
- 8.7 The Board has not approved any application for temporary warehouse uses at the Site or within the subject “AGR” zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment and landscape quality of the area.

Public Comments

- 8.8 There are 4 public comments from the HKBWS, KFBG and two individuals objecting to the review application mainly on grounds stated in paragraph 7. The planning considerations and assessments in paragraphs 8.1 to 8.7 are relevant.

9. Planning Department’s Views

- 9.1 Based on the assessments made in paragraph 8, having taken into account the public comments as mentioned in paragraph 7, and given that there is no major change in the planning circumstances since the consideration of the subject application by the Committee on 12.4.2019, the Planning Department maintains its previous view of not supporting the review application for the following reasons:

- (a) the development is not in line with the planning intention of the subject “Agriculture” zone which is intended 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. There is no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application will set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.

9.2 Alternatively, should the Committee decide to approve the application on review, it is suggested that the permission shall be valid on a temporary basis for a period of 2 years until **9.8.2021**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 5pm and 9am is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of tree preservation and landscape proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **9.2.2020**;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **9.5.2020**;
- (g) the submission of 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 **9.2.2020**;
- (h) in relation to (g) above, the implementation of 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 **9.5.2020**;

- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) 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 **9.2.2020**;
- (k) in relation to (j) 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 **9.5.2020**;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (e), (f), (g), (h), (j) or (k) 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
- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are attached at **Annex F**.

10. Decision Sought

- 10.1 The Board is invited to consider the application for a review of RNTPC's decision and decide whether to accede to the application.
- 10.2 Should the Board decide to reject the review application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 10.3 Alternatively, should the Board decide to approve the review application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the date when the validity of the permission should expire.





11. Attachments

Drawing R-1	Layout Plan
Drawing R-2	Vehicle U-turn Plan
Drawing R-3	Drainage Plan
Plan R-1	Location Plan
Plan R-2	Site Plan
Plan R-3	Aerial Photo
Plans R-4a to 4c	Site Photos
Annex A	RNTPC Paper No. A/YL-HTF/1092B

Annex B	Extract of minutes of the RNTPC Meeting held on 12.4.2019
Annex C	Secretary of the Board's letter dated 3.5.2019
Annex D	Letter of 15.5.2019 from the applicant applying for review
Annex E	Public comments received during statutory publication periods of the review application
Annex F	Recommended advisory clauses

**PLANNING DEPARTMENT
AUGUST 2019**

Appendix E – Revised Site Layout Plan

-  出入口
-  臨時辦公室 (1a,1b)
-  流動式洗手間
-  臨時倉庫 (2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h)



Survey District: Yuen Long
 Date of Survey: September 2017
 Scale 1:500
 Survey Sheet: 6-NW-1C
 Reference SRP's: SRP/YL/002/128/384RP-D

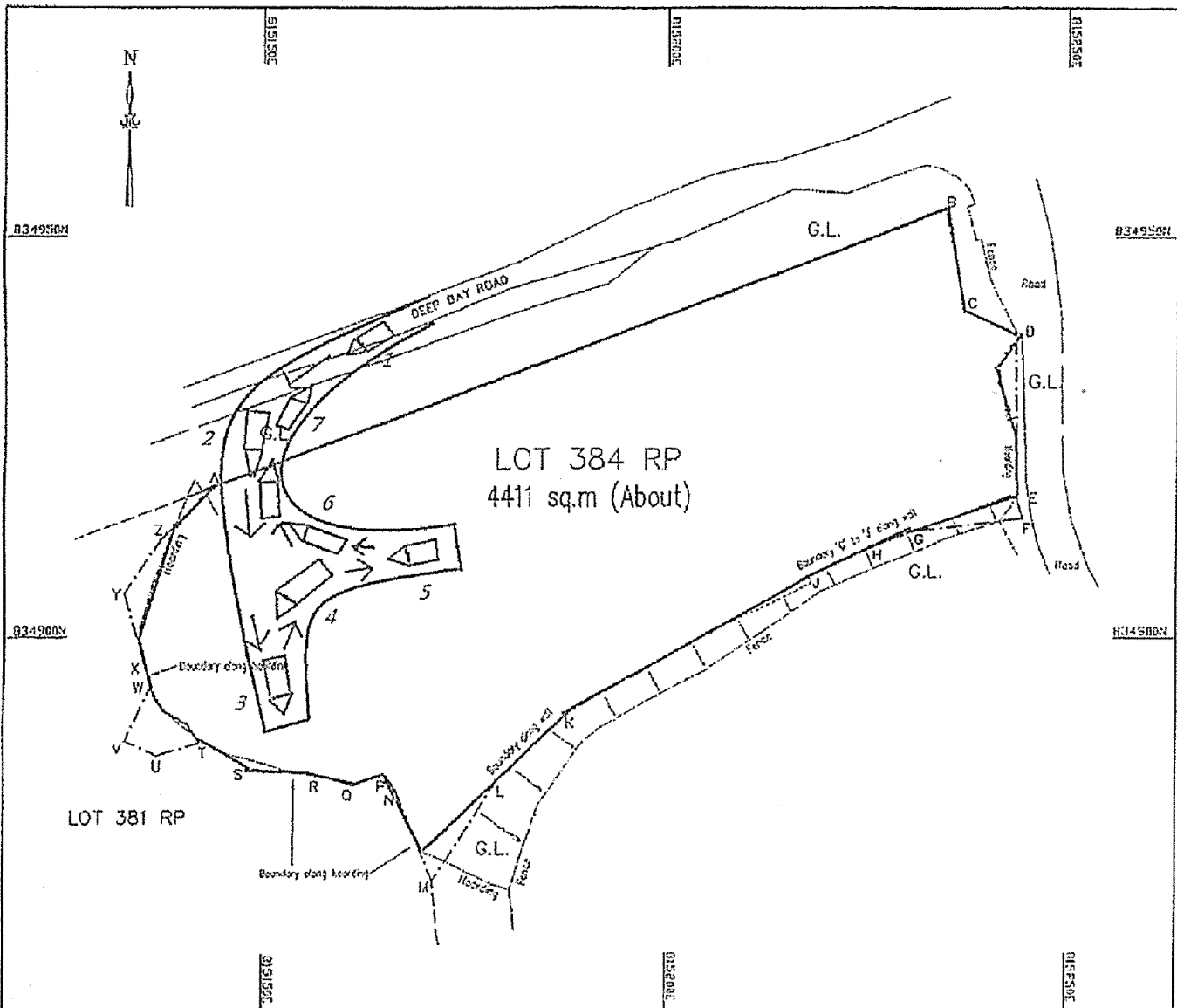
DIMENSION PLAN OF LOT 384 RP IN D.D.128

Land Boundary Plan No. : LBP/YL/002/128/384RP-D

參考編號 REFERENCE No. A/YL-HTF/1092	繪圖 DRAWING R-1
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(摘錄自申請人於26. 3. 2019呈交的申請書)
 (Extract from Applicant's
 Submission Dated 26.3.2019)

Appendix B - Vehicle U-Turn Plan



Survey District: Yuen Long
 Date of Survey: September, 2017
 Scale: ~~1:500~~
 Survey Sheet: 5-NW-1C
 Reference SRP's: SRP/1/002/128/384RP-D

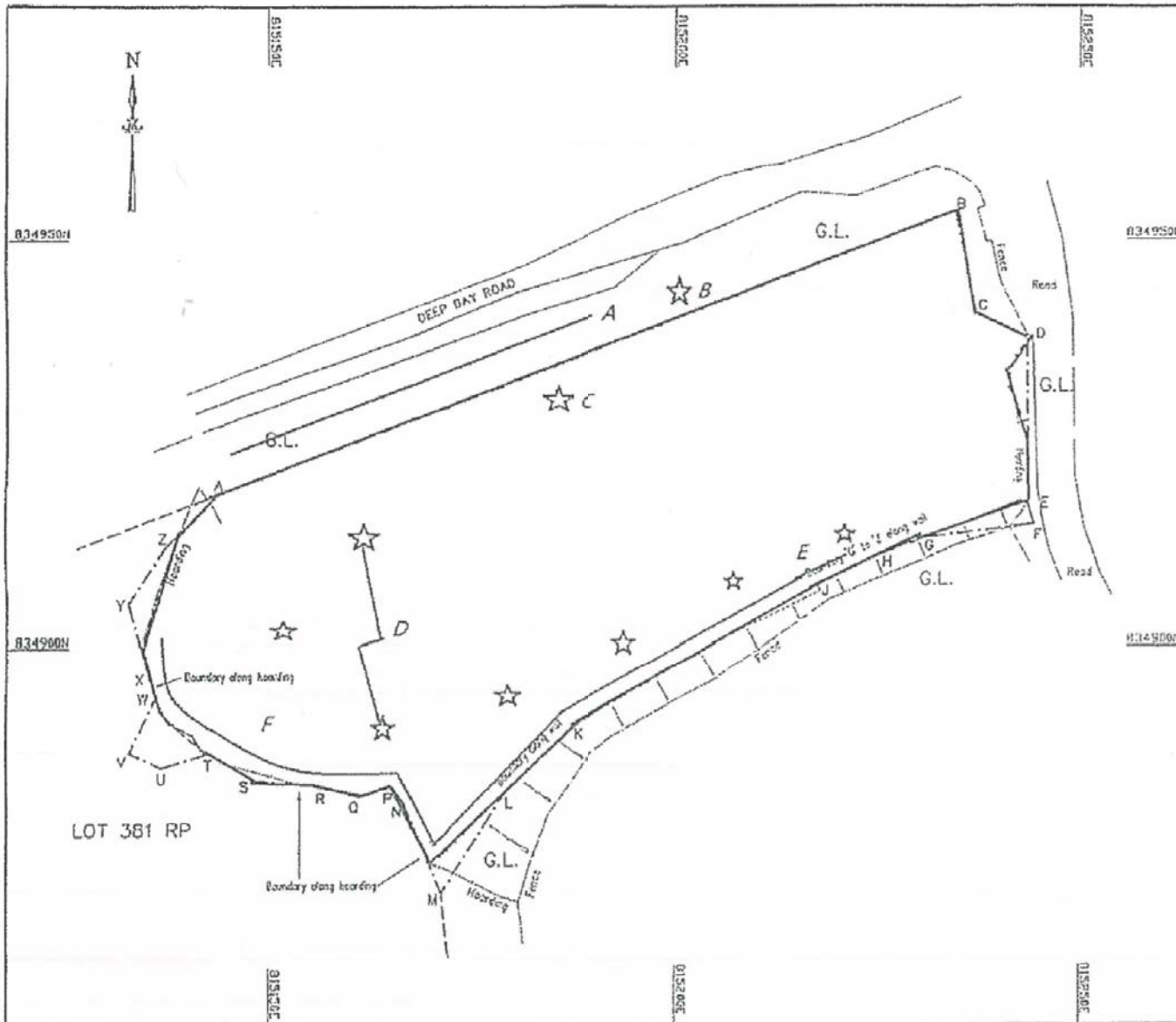
DIMENSION PLAN OF LOT 384 RP IN D.D.128





Land Boundary Plan No. : LBP/n./002/128/384RP-D

參考編號 REFERENCE No. A/YL-HTF/1092	繪圖 DRAWING R-2
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(摘錄自申請人於20. 2. 2019呈交的申請書)
 (Extract from Applicant's
 Submission Dated 20.2.2019)

Appendix F – Existing Drainage System Overview & Photos



-  排水渠
-  公共雨水渠
-  排水沙井
-  公共污水渠接駁口

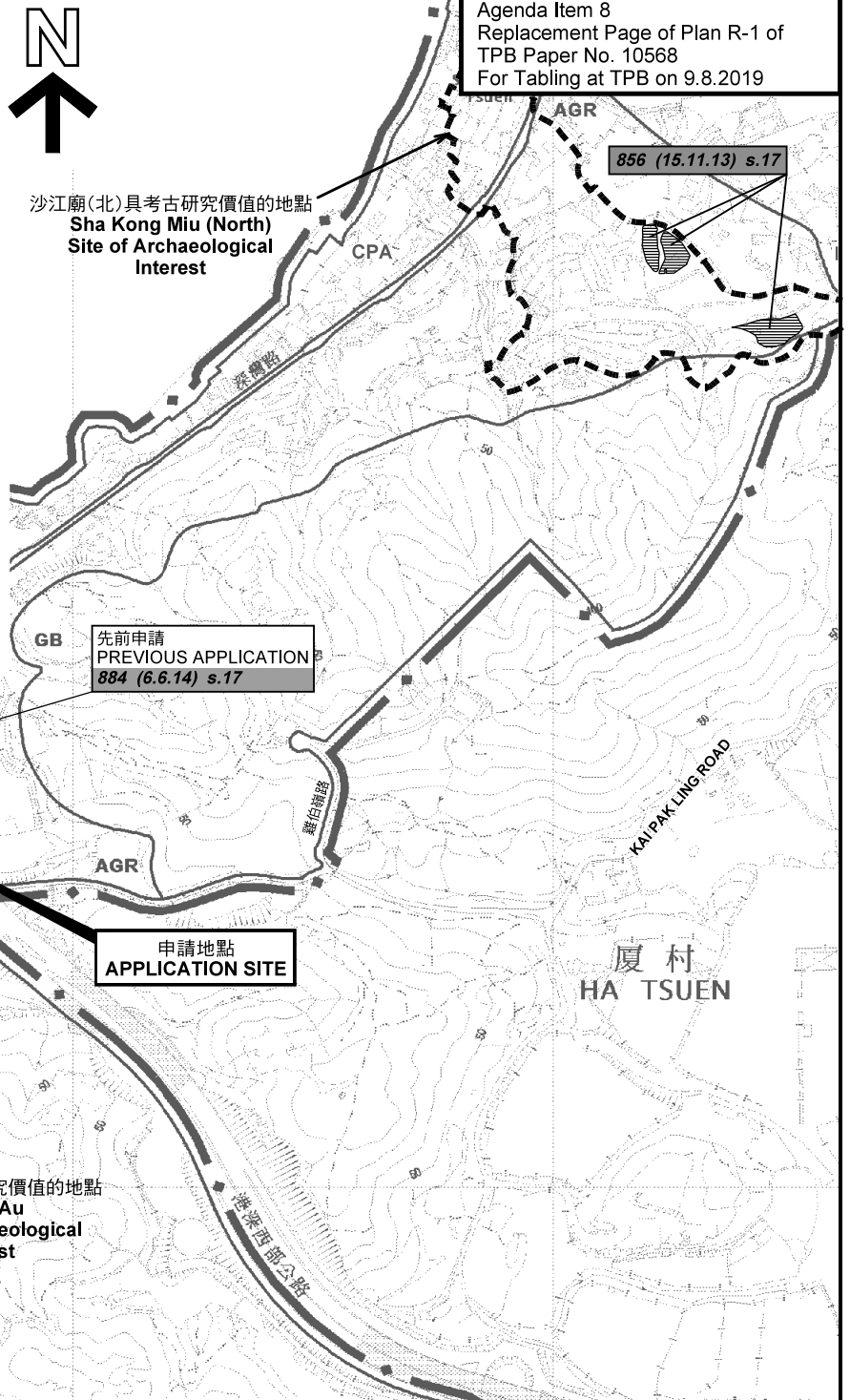
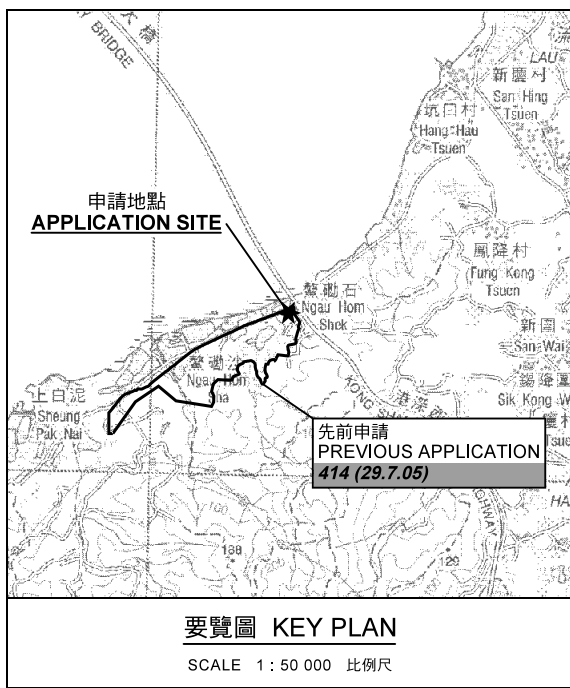
Survey District: Yuen Long
 Date of Survey: September, 2017
 Scale: 1:500
 Survey Sheet: 6--NW--1C
 Reference SRP's: SRP/NL/002/128/384RP-D

DIMENSION PLAN OF LOT 384 RP IN D.D.128

Land Boundary Plan No. : L6P/NL/002/128/384RP-D

參考編號 REFERENCE No. A/YL-HTF/1092	繪圖 DRAWING R-3
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(摘錄自申請人於20.2.2019呈交的申請書)
 (Extract from Applicant's
 Submission Dated 20.2.2019)



圖例 LEGEND	
	獲批准的申請 APPROVED APPLICATION
	被拒絕的申請 REJECTED APPLICATION
	已撤銷 REVOKED
	會議日期 DATE OF MEETING
	申請編號 APPLICATION NUMBER
申請地點界線只作識別用 APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY	

位置圖 LOCATION PLAN

擬議臨時貨倉存放電子零件 (為期2年)
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

SCALE 1: 7 500 比例尺
米 100 0 100 200 300 米
METRES

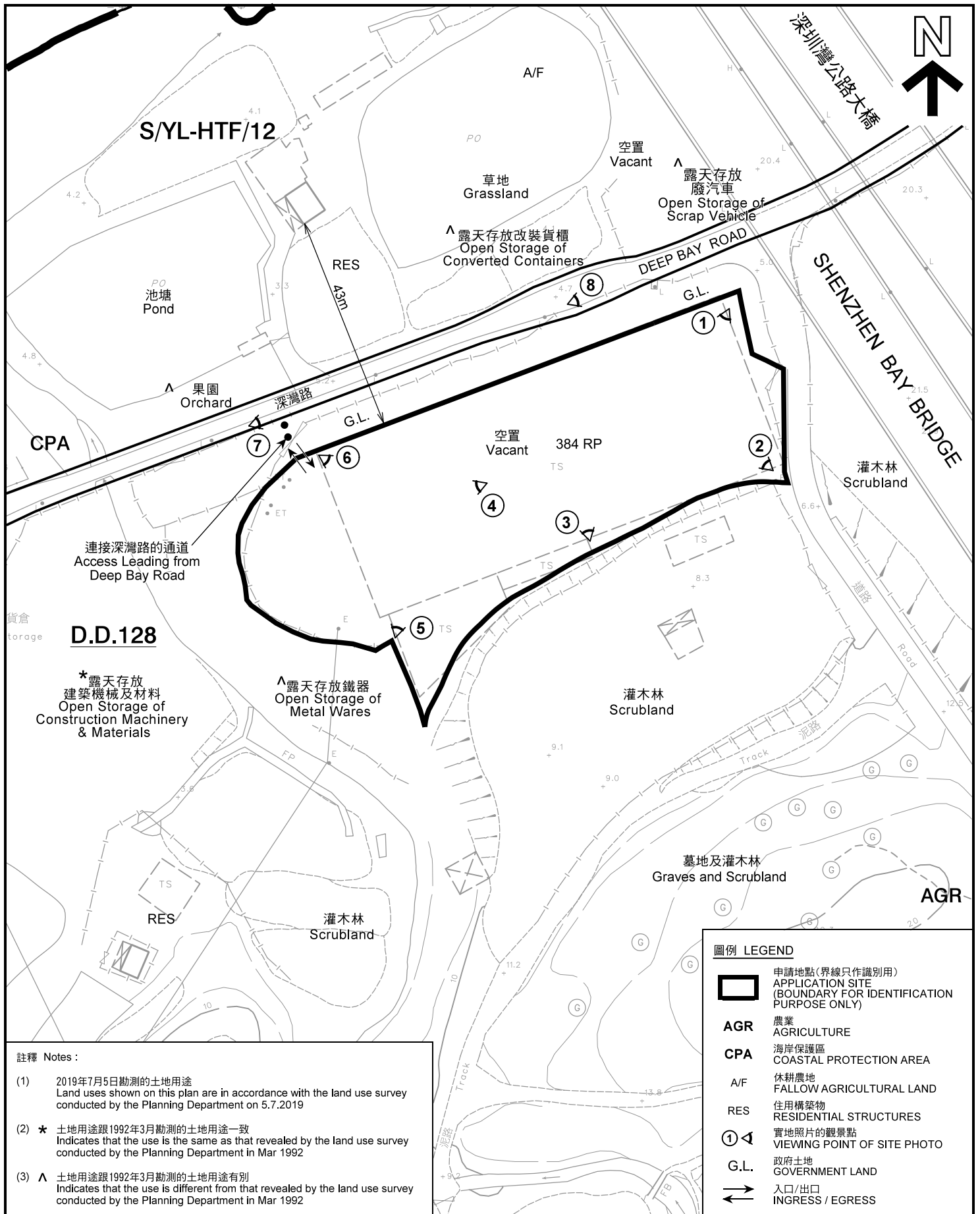
規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1092

圖 PLAN
R-1

本摘要圖於2019年8月7日擬備，
所根據的資料為於2018年10月16日
核准的分區計劃大綱圖編號 S/YL-HTF/12
EXTRACT PLAN PREPARED ON 7.8.2019
BASED ON OUTLINE ZONING PLAN No.
S/YL-HTF/12 APPROVED ON 16.10.2018



註釋 Notes :

- (1) 2019年7月5日勘測的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 5.7.2019
- (2) * 土地用途跟1992年3月勘測的土地用途一致
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department in Mar 1992
- (3) ^ 土地用途跟1992年3月勘測的土地用途有別
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department in Mar 1992

圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION PURPOSE ONLY)
- AGR** 農業
AGRICULTURE
- CPA** 海岸保護區
COASTAL PROTECTION AREA
- A/F** 休耕農地
FALLOW AGRICULTURAL LAND
- RES** 住用構築物
RESIDENTIAL STRUCTURES
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO
- G.L.** 政府土地
GOVERNMENT LAND
- 入口/出口
INGRESS / EGRESS

平面圖 SITE PLAN

擬議臨時貨倉存放電子零件(為期2年)
新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

SCALE 1 : 1 000 比例尺

米 METRES 20 0 20 40 米 METRES

本摘要圖於2019年7月12日擬備，所根據的資料為測量圖編號 6-NW-1C 及 6-NW-6A
EXTRACT PLAN PREPARED ON 12.7.2019
BASED ON SURVEY SHEETS No. 6-NW-1C & 6-NW-6A

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.

A/YL-HTF/1092

圖 PLAN

R-2

后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)



圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2019年7月10日擬備，所根據的資料為地政總署於2018年1月3日拍得的航攝照片編號 E033198C
EXTRACT PLAN PREPARED ON 10.7.2019
BASED ON AERIAL PHOTO No.
E033198C TAKEN ON 3.1.2018
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議臨時貨倉存放電子零件(為期2年)
新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1092

圖 PLAN
R-3



本圖於2019年7月10日擬備，所根據的資料為攝於2019年7月5日的實地照片
 PLAN PREPARED ON 10.7.2019
 BASED ON SITE PHOTOS
 TAKEN ON 5.7.2019

實地照片 SITE PHOTO

擬議臨時貨倉存放電子零件（為期2年）
 新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
 PROPOSED TEMPORARY WAREHOUSE OF
 ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
 LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
 LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
 PLANNING
 DEPARTMENT



參考編號
 REFERENCE No.
 A/YL-HTF/1092

圖 PLAN
 R-4a



申請地點
APPLICATION SITE



申請地點
APPLICATION SITE



申請地點
APPLICATION SITE

本圖於2019年7月12日擬備，所根據的資料為攝於2019年7月5日的實地照片
PLAN PREPARED ON 12.7.2019
BASED ON SITE PHOTOS
TAKEN ON 5.7.2019

實地照片 SITE PHOTO

擬議臨時貨倉存放電子零件（為期2年）
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圖 PLAN
R-4b

7



8



本圖於2019年7月12日擬備，所根據的資料為攝於2019年7月5日的實地照片
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 A/YL-HTF/1092

圖 PLAN
 R-4c

RNTPC Paper No. A/YL-HTF/1092B
For Consideration by
the Rural and New Town
Planning Committee
on 12.4.2019

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL- HTF/1092

- Applicant** : Jiin Yeeh Ding (H.K.) Enterprises Limited
- Site** : Lot 384 R.P. in D.D. 128, Deep Bay Road, Lau Fau Shan, Yuen Long, N.T.
- Site Area** : About 4,411m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/11 at the time of submission

Approved Ha Tsuen Fringe OZP No. S/YL-HTF/12 currently in force
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse of Electric Spare Parts for a Period of 2 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary warehouse of electric spare parts for a period of 2 years. The Site falls within an area zoned “Agriculture” (“AGR”) on the Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12 (**Plans A-1 and A-2**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP.
- 1.2 The Site involves 4 previous applications (No. A/YL-HT/414, 458, 471 and 884) for temporary racing circuit or temporary warehouse uses, which were all rejected by the Rural and New Town Planning Committee (the Committee) or the Board. The last application (No. A/YL-HT/884) for temporary warehouse for storage of mock-up room of the housing development under home ownership scheme and public housing for a period of 3 years was rejected by the Board upon review on 6.6.2014. The Site is currently paved and vacant (**Plans A-2 and A-4a to A-4c**).
- 1.3 The Site is separated by a strip of Government Land (GL) from Deep Bay Road and the Site is accessible from Deep Bay Road through the GL (**Plan A-2**). As shown on the site layout on **Drawing A-1**, an ingress/egress point is located along

the northern boundary of the Site. According to the applicant's submission, the development involves a total of 10 single-storey temporary structures with a total floor area of 112m² for warehouse and site office uses. 4 van parking spaces and 4 loading/unloading spaces for lorries under 5.5 tonnes are provided on-site. The operation hours are from 9am to 5pm from Mondays to Saturdays with no operation on Sundays and public holidays. The layout plan, vehicular access plan and drainage plan submitted by the applicant are shown on **Drawings A-1 to A-3**.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form received on 4.10.2018. **(Appendix I)**
- (b) Further Information (FI) received on 20.2.2019 providing response to departmental comments (*accepted and exempted from publication and recounting requirements*) **(Appendix Ia)**
- (c) FI received on 26.3.2019 providing a revised layout (*accepted and exempted from publication and recounting requirements*) **(Appendix Ib)**

1.5 On 16.11.2018 and 18.1.2019, the Committee agreed to the applicant's requests to defer making a decision on the application, each for two months, to allow time for the preparation of FI to address departmental comments. Subsequently, the applicant submitted FI to address comments from Government departments. The application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in para. 9 of the application form (**Appendix I**). They can be summarised as follows:

- (a) The "Agriculture" ("AGR") zone is intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The proposed use for temporary storage of electric spare parts is considered not entirely incompatible with the planning intention of the "AGR" zone.
- (b) There will be minimal traffic created by the proposed development. The traffic flow will only involve vans and no heavy vehicles will be used.
- (c) There will be 4 van parking spaces and 4 loading/unloading areas for lorries under 5.5 tonnes on-site to facilitate delivery of electronic spare parts.
- (d) The operation hour is from 9am to 5pm from Mondays to Saturdays with no operation on Sundays and public holidays.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". Detailed information would be

deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in 4 previous applications No. A/YL-HT/414, 458, 471 and 884. Details of the applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 Application No. A/YL-HT/414 covering a much larger site of about 52 hectares for a temporary racing circuit for a period of 3 years was rejected by the Committee on 29.7.2005 on the grounds that the proposed development was not in line with the planning intention of the "AGR" and "Green Belt" ("GB") zones; there was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts; and approval of the application would set an undesirable precedent for similar applications in the "GB" and "AGR" zones.
- 5.3 Applications No. A/YL-HT/458, 471 and 884 for temporary warehouse uses were rejected by the Committee/Board upon review, on 1.9.2006, 30.3.2007 and 6.6.2014 respectively mainly on the grounds that the development was not in line with the planning intention of the "AGR" zone; there was insufficient information to demonstrate that the development would not have adverse environmental and traffic impacts on the surrounding areas and approval of the application would set an undesirable precedent for similar applications within the "AGR" zone and the cumulative effect of which would result in a general degradation of the quality of agricultural land in the "AGR" zone.
- 5.4 Compared with the last application No. A/YL-HT/884, the current application is submitted by a different applicant for a similar warehouse use.

6. Similar Application

Within the "AGR" zone along Deep Bay Road, there is one similar application. Planning application No. A/YL-HT/856 for temporary open storage of construction material and warehouse use was rejected by the Board upon review on 15.11.2013 for the reasons that the development was not in line with the planning intention of the "AGR" zone; the development was not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site; there were adverse departmental comments; and approval of the application would set an undesirable precedent for similar applications in the area. Details of the application are summarized at **Appendix III** and the location is shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plan A-1 to Plan A-4c)

7.1 The Site is:

- (a) currently paved and vacant; and
- (b) separated by a strip of GL from Deep Bay Road, which is a single-lane carriageway for two-way traffic.

7.2 The surrounding areas have the following characteristics:

- (a) to the north across Deep Bay Road within area zoned “Coastal Protection Area” (“CPA”) is an open storage yard of converted containers, a residential dwelling (about 43m away), an orchard, a pond and some fallow agricultural land. To the further north is the wetland in Deep Bay.
- (b) To the east is vacant and unused land and to the further east is the Shenzhen Bay Bridge.
- (c) To the west and southwest are open storage yards of metal wares and construction machinery. To the south are vacant temporary structures and vegetated vacant land. To the further southwest (about 55m away) are 2 residential dwellings.

8. Planning Intention

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.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comment of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The Site falls within “Fu Tei Au Site of Archaeological Interest” (AM98-0910).
- (c) The Site is accessible from Deep Bay Road through GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.

- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should planning approval be given to the subject planning application, the lot owner will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD.

Drainage

9.1.2 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

He has no objection in principle to the proposed application from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his department.

Environment

9.1.3 Comments of the Director of Environmental Protection (DEP):

- (a) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the DEP to minimize potential environmental nuisance to the surrounding area.
- (b) No pollution complaint against the Site was received in the past 3 years.

Traffic

9.1.4 Comments of the Commissioner for Transport (C for T):

- (a) On the basis of the application documents, 4 light-goods vehicle (LGV) parking spaces and 4 LGV loading/unloading areas were proposed. On the other hand, the applicant advised that the trip generation would only be twice a day.
- (b) Although the applicant claimed that the subject development would only involve traffic flow of vehicles twice a day, Transport Department (TD) considered that the figure was underestimated on

the basis of the site size and the proposed number of parking spaces and loading / unloading spaces within the Site.

- (c) Given that the Site is proposed to be accessed through Deep Bay Road which is a single track road with passing bays, the potential traffic impact arising from the applied use shall be assessed by the applicant. In this connection, TD does not support the application from traffic engineering point of view.

9.1.5 Comments of the Chief Highways Engineer/New Territories West (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) If the proposed access arrangement is agreed by TD, a proper road connection or run-in/out should be constructed to the satisfaction of TD and HyD.
- (c) Adequate drainage measures should be provided at the site access to prevent the surface water flowing from the Site to nearby public roads/drains.
- (d) The proposed access will run across the existing U-channel between the Site and Deep Bay Road. The applicant should design, construct and maintain the access, including the U-channel, without disruption to the existing drainage system to the satisfaction of his department. The applicant is required to submit the relevant access proposal for his further comment. After the expiry of the planning application, the applicant is required to reinstate the affected area (i.e. the existing U-channel) to its original status.
- (e) HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road.

Landscaping

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) He has objection from landscape planning point of view.
- (b) The Site, located to the west of Shenzhen Bay Bridge and to the south of Deep Bay Road, falls within an area zoned “AGR” zone. The Site is the subject of 4 previously rejected applications. In the previous application No. A/YL-HT/884, he had objection to the application from the landscape planning perspective. The current application seeks planning permission for similar use for 2 years on a slightly smaller site.
- (c) The Site is located in an area dominated by farmland, fishponds, tree groups and mangroves. Some storage yards and temporary structures can be found further east and west of the Site. Based on the site photos taken on 19.10.2018 and aerial photo taken on

3.1.2018, the Site is hard-paved and currently vacant with self-seeded vegetation within the Site. Adverse impact to the landscape character and its resources has taken place without planning approval.

- (d) If this application is approved by the Board, it will set an undesirable precedent which may likely encourage other similar applications to clear and form the sites prior to planning permission obtained. The cumulative impact of which would result in the general degradation of the rural landscape character and overall integrity of the “AGR” zone.
- (e) Should the application be approved, approval conditions on the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning should be imposed.
- (f) The applicant is reminded that approval of the Landscape Proposal under planning application does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside the Site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain necessary approval.

Nature Conservation and Agriculture

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

- (a) It is noted that the Site falls within an area zoned “AGR” on the OZP and is a piece of paved vacant land. The agricultural infrastructures such as road access and water source are available. The Site possesses high potential for agricultural rehabilitation. The application is not supported from agricultural point of view.
- (b) It is also noted that the lots (i.e. 378S.A RP, 378 RP and 139 RP in D.D. 128) opposite to the Site within “CPA” zone was previously involved in unauthorized pond filling. He trusts the Board would take this into consideration among others when considering the application.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also

be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans.

- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the Buildings Department (BD), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of his department should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (d) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (e) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Other Aspects

9.1.10 Comments from the Antiquities and Monument Office (AMO):

In view of the location and scope of the proposed temporary warehouse, the AMO has no objection to the application from cultural heritage viewpoint. Nevertheless, the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the proposed temporary warehouse.

District Officer's Views

9.1.11 Comments of the District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

9.2 The following Government departments have no comment on the application:

- (a) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD);
- (b) Commissioner of Police (C of P);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
and
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD).

10. Public Comments Received During Statutory Publication Period

On 12.10.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 2.11.2018, 4 public comments were received from the Hong Kong Bird Watching Society (HKBWS), Designing Hong Kong (DHK), Kadoorie Farm and Botanic Garden (KFBG) and an individual objecting to the application (**Appendices IV-1 to IV-4**). The main objecting reasons are summarized below:

- (a) not in line with the planning intention of the “AGR” zone;
- (b) the applied use is not compatible with the rural neighbourhood and surrounding residential dwellings;
- (c) there are adverse ecological, drainage, landscape and environmental impacts; and
- (d) approval of the application would set an undesirable precedent for similar applications and cumulative effect of which would result in general degradation of the environment of the area.

11. Planning Considerations and Assessments

11.1 The application is for a proposed temporary warehouse of electric spare parts for a period of 2 years at the Site zoned “AGR”. The planning intention of the “AGR” zone is intended 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. In this regard, the proposed temporary warehouse use is not in line with the planning intention of the “AGR” zone. Besides, DAFC does not support the application from agricultural point of view as the Site possesses high potential for agricultural rehabilitation. The applicant has not provided any strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis.

11.2 The Site is located in a rural neighbourhood surrounded by unused land, fallow

agriculture land and fish ponds, wetland in Deep Bay is located to its further north. CTP/UD&L objects to the application from the landscape planning perspective as the Site has been hard paved and adverse impact to the landscape character and its resources has taken place without planning approval. The proposed use is not compatible with the surrounding landscape character. The approval of the application would set an undesirable precedent attracting other incompatible uses to proliferate in the area and encouraging other similar applications to clear the sites prior to obtaining planning permission.

- 11.3 C for T does not support the application from traffic engineering point of view. He has concern on the potential traffic impact arising from the applied use on Deep Bay Road which is a single track road and the applicant has yet to address his concern. In this regard, the applicant fails to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area.
- 11.4 The Committee/Board has not approved any application for warehouse uses within the subject "AGR" zone. Approval of the application would set an undesirable precedent and encourage other applications for similar development within the subject "AGR" zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Rejection of the application is in line with the Committee's/Board's previous decisions.
- 11.5 Four public comments were received objecting to the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:
- (a) the development is not in line with the planning intention of the subject "Agriculture" zone which is intended 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. There is no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
 - (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas; and
 - (c) approval of the application will set an undesirable precedent for applications for other developments within the "AGR" zone, the cumulative effect of which will result in a general degradation of the environment of the "AGR" zone.
- 12.2 Alternatively, 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 2

years until **12.4.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 5pm and 9am is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of tree preservation and landscape proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **12.10.2019**;
- (f) in relation to (e) above, the implementation of tree preservation and landscape proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **12.1.2020**;
- (g) the submission of 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 **12.10.2019**;
- (h) in relation to (g) above, the implementation of 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 **12.1.2020**;
- (i) in relation to (h) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (j) 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 **12.10.2019**;
- (k) in relation to (j) 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 **12.1.2020**;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (m) if any of the above planning conditions (e), (f), (g), (h), (j) or (k) 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
- (n) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix V**.

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 reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.
- 13.3 Alternatively, 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.

14. Attachments

Appendix I	Application form received on 4.10.2018
Appendix Ia	FI received on 20.2.2019 providing response to departmental comments
Appendix Ib	FI received on 26.3.2019 providing a revised layout
Appendix II	Previous Applications
Appendix III	Similar Applications within the same “AGR” zone
Appendix IV-1 to IV-4	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Vehicle U-turn Plan
Drawing A-3	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4c	Site Photos

Previous s.16 Application covering the Application Site

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/414	Temporary Racing Circuit for a Period of 3 Years	“AGR”	29.7.2005	1-3
2.	A/YL-HT/458	Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years	“AGR”	1.9.2006	4-6
3.	A/YL-HT/471	Temporary Warehouse (Storage and Sale of Organic Food and Gardening Plants) for a Period of 3 Years	“AGR”	30.3.2007 (on review)	4-6
4.	A/YL-HT/884	Temporary Warehouse for Storage of Mock-up Room of the Housing Development under Home Ownership Scheme and Public Housing for a Period of 3 Years	“AGR”	6.6.2014 (on review)	4-7

Rejected Reason(s):

- 1 Not in line with the planning intention of the "GB" and “AGR” zone. There was no strong justification in the submission for a departure from the planning intentions, even on a temporary basis.
- 2 There was insufficient information in the submission to demonstrate that the proposed development would not have adverse environmental, ecological, traffic, drainage, geotechnical, landscape and visual impacts.
- 3 Approval of the application would set an undesirable precedent for similar applications in the "GB" and "AGR" zones, the cumulative impact of which would result in general degradation of the environment in the area.
- 4 Not in line with the planning intention of the "AGR" zone. No strong justification had been given in the submission for a departure from such planning intention, even on a temporary basis.
- 5 There was insufficient information in the submission to demonstrate that the proposed development would not have adverse drainage, environmental, landscape and/or traffic impacts on the surrounding areas.
- 6 Approval of the application would set an undesirable precedent for applications for other developments within the "AGR" zone, the cumulative effect of which would result in a general degradation of the environment of the "AGR" zone.
- 7 The development is not compatible with the rural neighbourhood and the surrounding residential dwellings.

**Similar s.16 Applications for Warehouse uses
within the same "AGR" Zone on the Ha Tsuen Fringe OZP**

Rejected Application

	<u>Application No.</u>	<u>Applied Use(s)/Development(s)</u>	<u>Zoning</u>	<u>Date of Consideration (RNTPC/TPB)</u>	<u>Rejected Reason(s)</u>
1.	A/YL-HT/856	Temporary Open Storage of Construction Materials and Warehouse with Ancillary Office for a Period of 3 Years	"AGR"	15.11.2013 (on review)	1-3

Rejected Reason(s):

- 1 Not in line with the planning intention of "AGR" zone. There is no strong planning justification to merit a departure from such planning intention, even on a temporary basis.
- 2 Not in line with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that no previous approval has been granted for the site, there are adverse departmental comments on the agricultural, landscape and environmental aspects, and the development would have adverse, agricultural, landscape, traffic and environmental impacts on the surrounding areas. There is insufficient information submitted to demonstrate that the proposed development would not generate such adverse impacts.
- 3 Approval of the application, even on a temporary basis, would set an undesirable precedent for applications for other developments within the "AGR" zone, the cumulative effect of which will result in a general degradation of the environment of the "AGR" zone.

Advisory clauses

- (a) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site falls within "Fu Tei Au Site of Archaeological Interest" (AM98-0910). The Site is accessible from Deep Bay Road through Government Land (GL). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed access arrangement is agreed by Transport Department (TD), a proper road connection or run-in/out should be constructed to the satisfaction of TD and HyD. Adequate drainage measures should be provided at the site access to prevent the surface water flowing from the Site to nearby public roads/drains. The proposed access will be across the existing U-channel between the Site and Deep Bay Road. The applicant should design, construct and maintain the access, including the U-channel, without disruption to the existing drainage system to the satisfaction of his department. The applicant is required to submit the relevant access proposal for his further comment. After the expiry of the planning application, the applicant is required to reinstate the affected area (i.e. the existing U-channel) to its original status. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that the applicant is reminded that approval of the Landscape Proposal under planning application does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside the Site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain necessary approval;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of his department should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with

means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize potential environmental nuisance to the surrounding area.

Appendix E – Revised Site Layout Plan



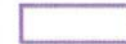
出入口



臨時辦公室 (1a,1b)



流動式洗手間



臨時倉庫 (2a, 2b, 2c, 2d, 2e, 2f, 2g, 2h)



Survey District: Yuen Long
 Date of Survey: September 2017
 Scale: 1:500
 Survey Sheet: 6-NW-1C
 Reference SRP's: SRP/YL/002/128/384RP-D

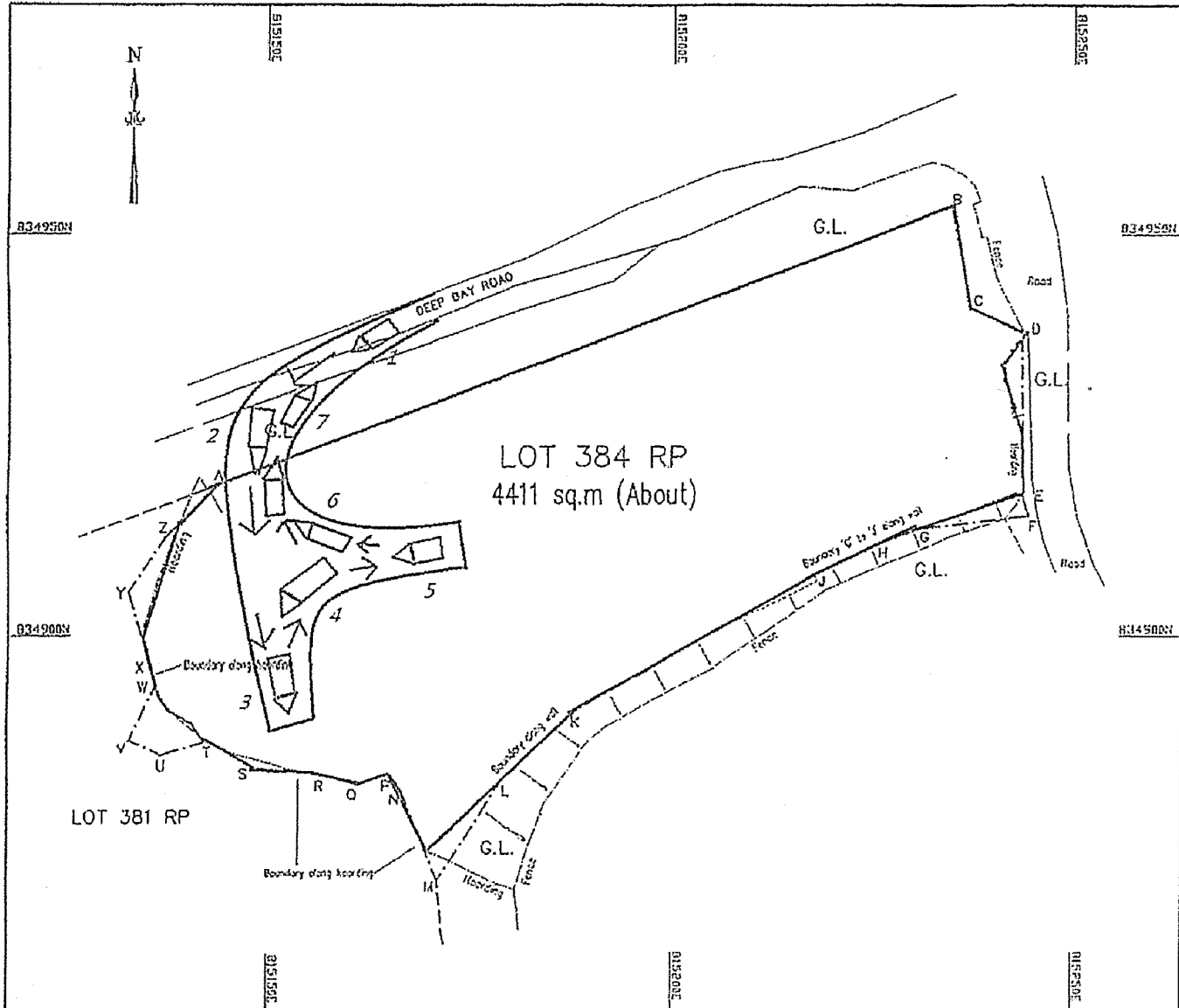
DIMENSION PLAN OF LOT 384 RP IN D.D.128

Land Boundary Plan No. : LBP/YL/002/128/384RP-D

參考編號 REFERENCE No. AYL-HTF/1092	繪圖 DRAWING A-1
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(摘錄自申請人於26. 3. 2019呈交的申請書)
 (Extract from Applicant's
 Submission Dated 26.3.2019)

Appendix B - Vehicle U-Turn Plan



Survey District: Yuen Long
 Date of Survey: September, 2017
 Scale: 1:500
 Survey Sheet: 6-NW-1C
 Reference SRP's: SRP/1L/002/128/384RP-D

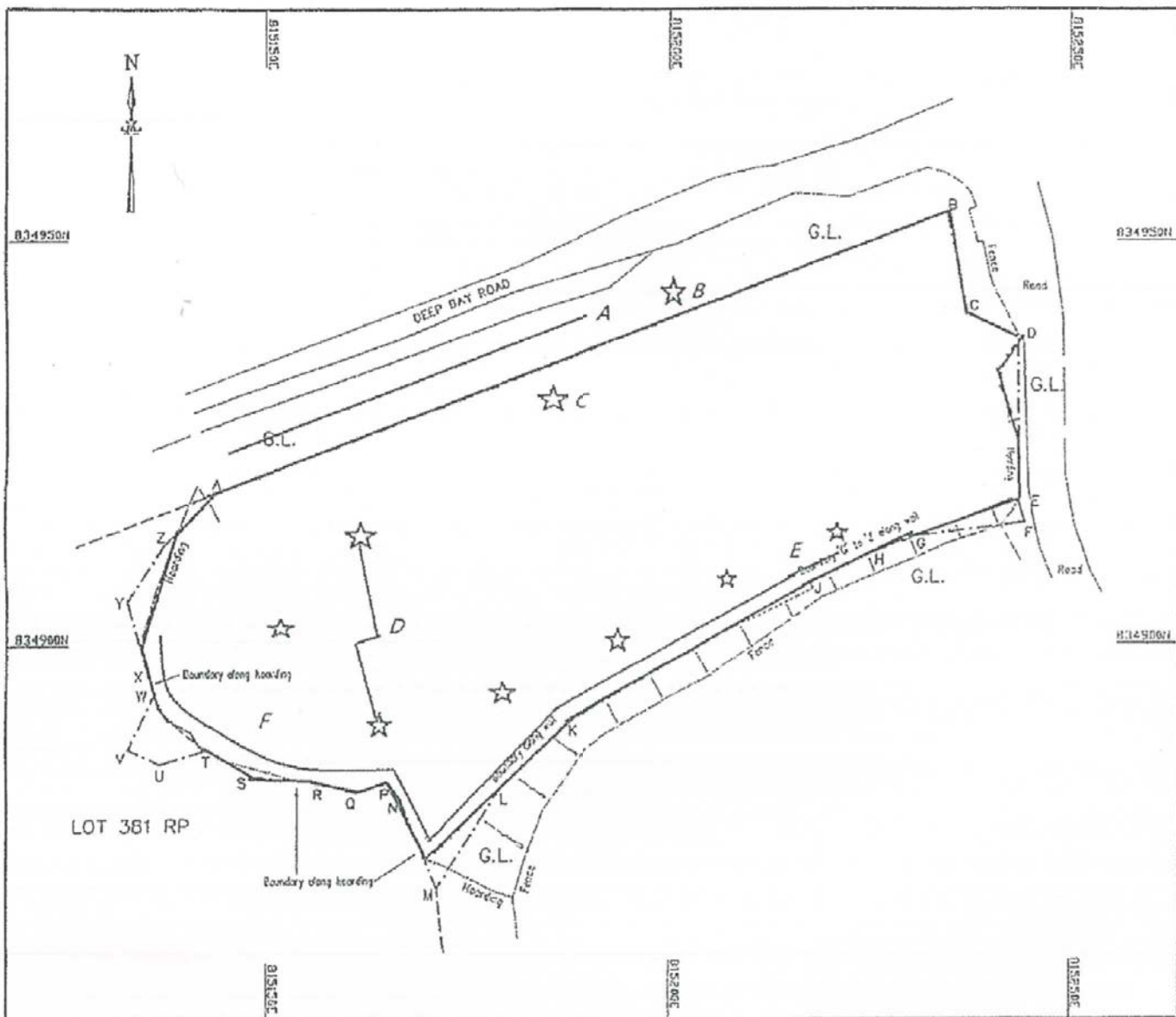
DIMENSION PLAN OF LOT 384 RP IN D.D.128





Land Boundary Plan No. : LBP/1L/002/128/384RP-D

參考編號 REFERENCE No. A/YL-HTF/1092	繪圖 DRAWING A-2
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(摘錄自申請人於20.2.2019呈交的申請書)
 (Extract from Applicant's
 Submission Dated 20.2.2019)

Appendix F – Existing Drainage System Overview & Photos



-  排水渠
-  公共雨水渠
-  排水沙井
-  公共污水渠接駁口

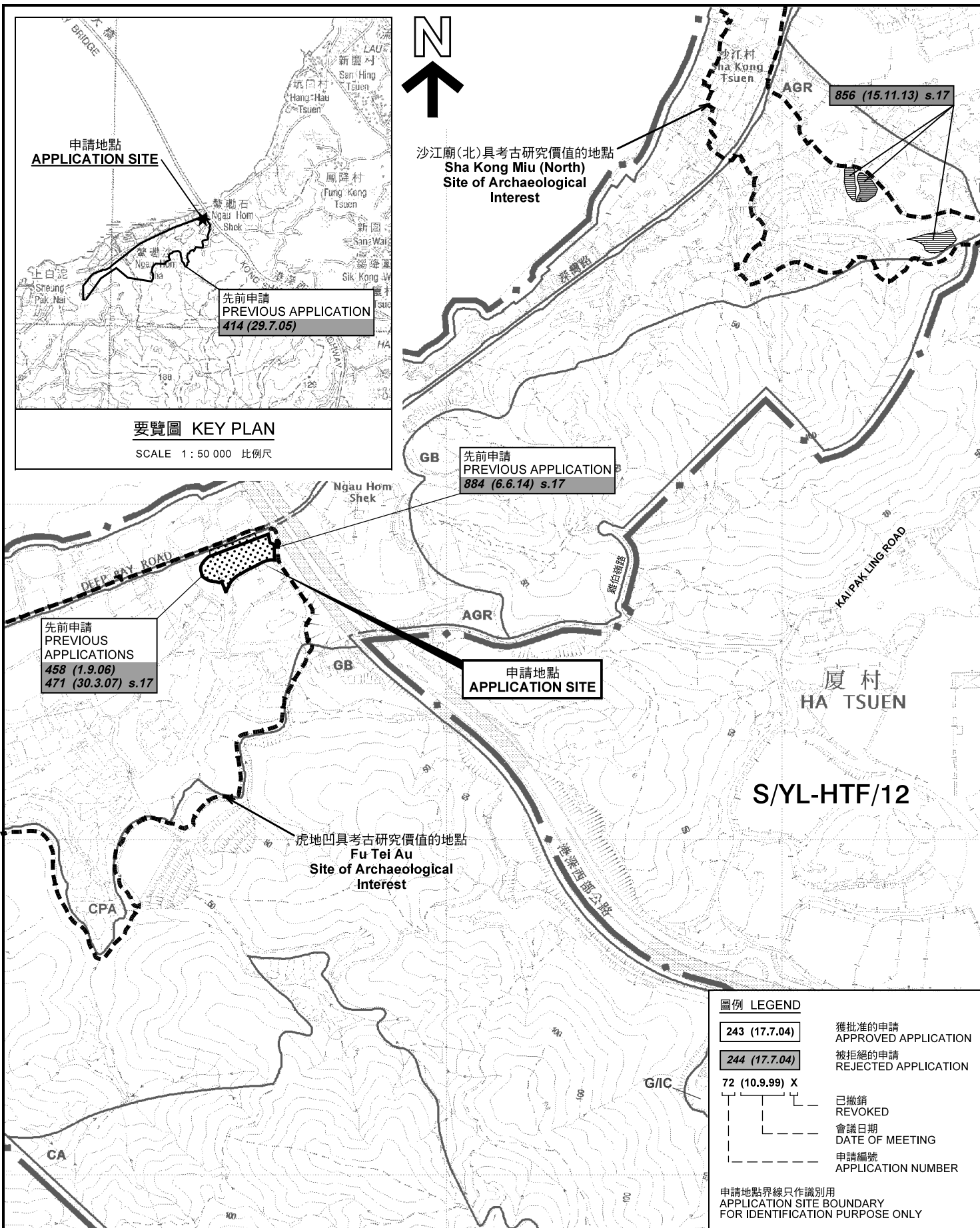
Survey District: Yuen Long
 Date of Survey: September, 2017
 Scale: 1:500
 Survey Sheet: 6-NW-1C
 Reference SRP's: SRP/YL/002/128/384RP-D

DIMENSION PLAN OF LOT 384 RP IN D.D.128

Land Boundary Plan No. : L6P/YL/002/128/384RP-D

參考編號 REFERENCE No. AYL-HTF/1092	繪圖 DRAWING A-3
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(摘錄自申請人於20. 2. 2019呈交的申請書)
 (Extract from Applicant's
 Submission Dated 20.2.2019)



位置圖 LOCATION PLAN

擬議臨時貨倉存放電子零件 (為期2年)
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

SCALE 1:7 500 比例尺
米 100 0 100 200 300 米
METRES

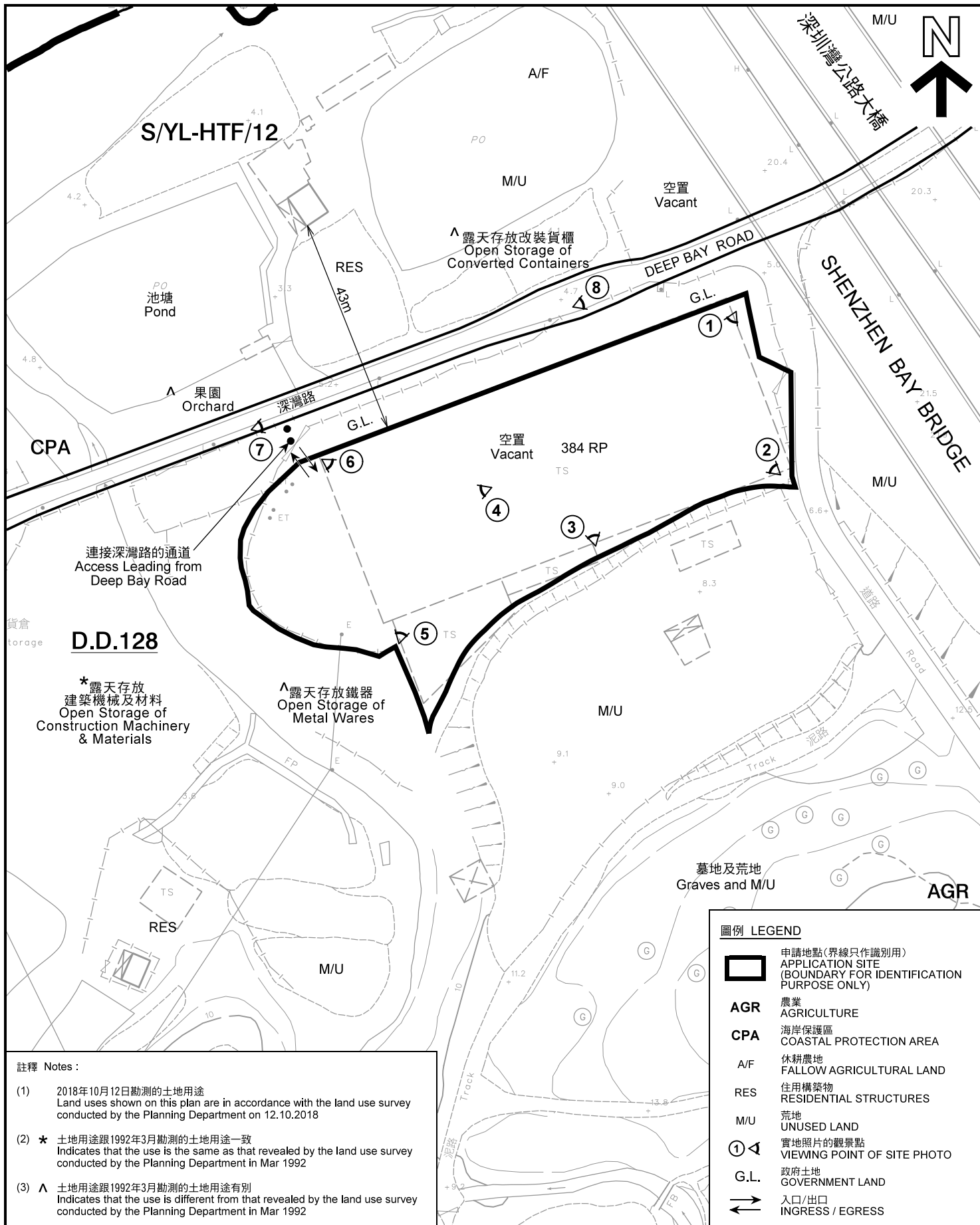
本摘要圖於2019年3月27日擬備，
所根據的資料為於2018年10月16日
展示/核准的分區計劃大綱圖編號 S/YL-HTF/12
EXTRACT PLAN PREPARED ON 27.3.2019
BASED ON OUTLINE ZONING PLAN No.
S/YL-HTF/12 APPROVED ON 16.10.2018

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1092

圖 PLAN
A-1



註釋 Notes :

- (1) 2018年10月12日勘測的土地用途
Land uses shown on this plan are in accordance with the land use survey conducted by the Planning Department on 12.10.2018
- (2) * 土地用途跟1992年3月勘測的土地用途一致
Indicates that the use is the same as that revealed by the land use survey conducted by the Planning Department in Mar 1992
- (3) ^ 土地用途跟1992年3月勘測的土地用途有別
Indicates that the use is different from that revealed by the land use survey conducted by the Planning Department in Mar 1992

圖例 LEGEND

- 申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)
- AGR** 農業
AGRICULTURE
- CPA** 海岸保護區
COASTAL PROTECTION AREA
- A/F** 休耕農地
FALLOW AGRICULTURAL LAND
- RES** 住用構築物
RESIDENTIAL STRUCTURES
- M/U** 荒地
UNUSED LAND
- 實地照片的觀景點
VIEWING POINT OF SITE PHOTO
- G.L.** 政府土地
GOVERNMENT LAND
- 入口/出口
INGRESS / EGRESS

平面圖 SITE PLAN

擬議臨時貨倉存放電子零件(為期2年)
新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

SCALE 1 : 1 000 比例尺

米 METRES 20 0 20 40 米 METRES

本摘要圖於2019年3月27日擬備，所根據的資料為測量圖編號 6-NW-1C 及 6-NW-6A
EXTRACT PLAN PREPARED ON 27.3.2019
BASED ON SURVEY SHEETS No. 6-NW-1C & 6-NW-6A

規劃署
PLANNING
DEPARTMENT



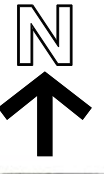
參考編號
REFERENCE No.

A/YL-HTF/1092

圖 PLAN

A-2

后海灣
(深圳灣)
DEEP BAY
(SHENZHEN WAN)



圖例 LEGEND



申請地點(界線只作識別用)
APPLICATION SITE
(BOUNDARY FOR IDENTIFICATION
PURPOSE ONLY)

本摘要圖於2018年10月30日擬備，所根據的資料為地政總署於2018年1月3日拍得的航攝照片編號 E033198C
EXTRACT PLAN PREPARED ON 30.10.2018
BASED ON AERIAL PHOTO No.
E033198C TAKEN ON 3.1.2018
BY LANDS DEPARTMENT

航攝照片 AERIAL PHOTO

擬議臨時貨倉存放電子零件(為期2年)
新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1092

圖 PLAN
A-3



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

擬議臨時貨倉存放電子零件（為期2年）
新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1092

圖 PLAN
A-4a

本圖於2018年10月30日擬備，所根據的資料為攝於2018年10月12日的實地照片
PLAN PREPARED ON 30.10.2018
BASED ON SITE PHOTOS
TAKEN ON 12.10.2018

4



申請地點
APPLICATION SITE

5



申請地點
APPLICATION SITE

6



申請地點
APPLICATION SITE

申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

擬議臨時貨倉存放電子零件（為期2年）
新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1092

圖 PLAN
A-4b

本圖於2018年10月30日擬備，所根據的資料為攝於2018年10月12日的實地照片
PLAN PREPARED ON 30.10.2018
BASED ON SITE PHOTOS
TAKEN ON 12.10.2018

7



8



申請地點界線只作識別用
APPLICATION SITE BOUNDARY FOR IDENTIFICATION PURPOSE ONLY

實地照片 SITE PHOTO

擬議臨時貨倉存放電子零件（為期2年）
新界元朗流浮山深灣路丈量約份第128約地段第384號餘段
PROPOSED TEMPORARY WAREHOUSE OF
ELECTRIC SPARE PARTS FOR A PERIOD OF 2 YEARS
LOT 384 RP IN D.D. 128, DEEP BAY ROAD,
LAU FAU SHAN, YUEN LONG, NEW TERRITORIES

規劃署
PLANNING
DEPARTMENT



參考編號
REFERENCE No.
A/YL-HTF/1092

圖 PLAN
A-4c

本圖於2018年10月30日擬備，所根據的資料為攝於2018年10月12日的實地照片
PLAN PREPARED ON 30.10.2018
BASED ON SITE PHOTOS
TAKEN ON 12.10.2018

**Minutes of the 624th Meeting of the
Rural and New Town Planning Committee held on 12.4.2019**

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HTF/1092 Proposed Temporary Warehouse of Electric Spare Parts for a Period of
2 Years in “Agriculture” Zone, Lot 384 RP in D.D. 128, Deep Bay
Road, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-HTF/1092B)

Presentation and Question Sessions

117. Ms Bonnie K.C. Lee, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed temporary warehouse of electric spare parts for a period of two years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as the applicant failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding area. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as adverse impact on the landscape character and its resources had taken place without planning approval. Approval of the application would set an undesirable precedent which might likely encourage other similar applications to clear and form the sites prior to obtaining planning permission obtained. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site possessed high potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received from the Hong Kong Bird Watching Society, Designing Hong Kong, Kadoorie Farm and Botanic Garden and an individual objecting to the application. Major objection grounds were set out in paragraph 10 of the Paper; and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and DAFC did not support the application. No strong planning justification was provided in the submission for a departure from the planning intention, even on a temporary basis. C for T and CTP/UD&L, PlanD also objected to the application. Approval of the application would set an undesirable precedent for similar applications and the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Since no application for warehouse uses within the subject “AGR” zone had been approved by the Committee, rejection of the application was in line with the Committee's previous decisions. Regarding the adverse public comments, comments of concerned departments and the planning assessments above were relevant.

118. Members had no question on the application.

Deliberation Session

119. After deliberation, the Committee decided to reject the application. The reasons were:

- “(a) the development is not in line with the planning intention of the subject “Agriculture” (“AGR”) zone which is intended 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.

There is no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application will set an undesirable precedent for applications for other developments within the “AGR” zone, the cumulative effect of which will result in a general degradation of the environment of the “AGR” zone.”

傳 真 Fax: 2877 0245 / 2522 8426

電 話 Tel: 2231 4810

來函檔號 Your Reference:

覆函請註明本會檔號

In reply please quote this ref.: TPB/A/YL-HTF/1092

By Post & Fax ([REDACTED])

3 May 2019

Jiin Yeeh Ding (H.K.) Enterprises Ltd.
Rm 1901, North Point Asia-Pacific Commercial Centre
10 North Point Road
North Point, Hong Kong
(Attn: Raymond Tung)

Dear Sir/Madam,

**Proposed Temporary Warehouse of Electric Spare Parts
for a Period of 2 Years in "Agriculture" Zone,
Lot 384 RP in D.D. 128, Deep Bay Road, Lau Fau Shan, Yuen Long**

I refer to my letter to you dated 27.3.2019.

After giving consideration to the application, the Town Planning Board (TPB) decided to reject the application and the reasons are :

- (a) the development is not in line with the planning intention of the subject "Agriculture" ("AGR") zone which is intended 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. There is no strong justification in the submission to merit a departure from such planning intention, even on a temporary basis;
- (b) you fail to demonstrate that the proposed development would not generate adverse traffic and landscape impacts on the surrounding areas; and
- (c) approval of the application will set an undesirable precedent for applications for other developments within the "AGR" zone, the cumulative effect of which will result in a general degradation of the environment of the "AGR" zone.

A copy of the TPB Paper in respect of the application (except the supplementary planning statement/technical report(s), if any) and the relevant extract of minutes of the TPB meeting held on 12.4.2019 are enclosed herewith for your reference.

Under section 17(1) of the Town Planning Ordinance, an applicant aggrieved by a decision of the TPB may apply to the TPB for a review of the decision. If you wish to seek a review, you should inform me within 21 days from the date of this letter (on or before 24.5.2019). I will then contact you to arrange a hearing before the TPB which you and/or your

authorized representative will be invited to attend. The TPB is required to consider a review application within three months of receipt of the application for review. Please note that any review application will be published for three weeks for public comments.

Under the Town Planning Ordinance, the TPB can only reconsider at the review hearing the original application in the light of further written and/or oral representations. Should you decide at this stage to materially modify the original proposal, such proposal should be submitted to the TPB in the form of a fresh application under section 16 of the Town Planning Ordinance.

If you wish to seek further clarifications/information on matters relating to the above decision, please feel free to contact Ms. Bonnie Lee of Tuen Mun & Yuen Long West District Planning Office at 2158 6288.

Yours faithfully,



(Raymond KAN)
for Secretary, Town Planning Board

Advisory clauses

- (a) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site falls within "Fu Tei Au Site of Archaeological Interest" (AM98-0910). The Site is accessible from Deep Bay Road through Government Land (GL). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed access arrangement is agreed by Transport Department (TD), a proper road connection or run-in/out should be constructed to the satisfaction of TD and HyD. Adequate drainage measures should be provided at the site access to prevent the surface water flowing from the Site to nearby public roads/drains. The proposed access will be across the existing U-channel between the Site and Deep Bay Road. The applicant should design, construct and maintain the access, including the U-channel, without disruption to the existing drainage system to the satisfaction of his department. The applicant is required to submit the relevant access proposal for his further comment. After the expiry of the planning application, the applicant is required to reinstate the affected area (i.e. the existing U-channel) to its original status. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that the applicant is reminded that approval of the Landscape Proposal under planning application does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside the Site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain necessary approval;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of his department should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with

means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize potential environmental nuisance to the surrounding area; and
- (g) to note the comments of the Antiquities and Monuments Office (AMO) that the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the temporary warehouse.

**Minutes of the 1206th Meeting of the
Town Planning Board held on 9.8.2019**

Agenda Item 8

[Open Meeting (Presentation and Question Sessions only)]

Review of Application No. A/YL-HTF/1092

Proposed Temporary Warehouse of Electric Spare Parts for a Period of 2 Years in “Agriculture”
Zone, Lot 384 RP in D.D. 128, Deep Bay Road, Lau Fau Shan, Yuen Long
(TPB Paper No. 10568)

[The item was conducted in Cantonese.]

62. Members noted that a replacement page to Plan R-1 of the TPB Paper No. 10568 (the Paper), was dispatched to Members prior to the meeting.

Presentation and Question Sessions

63. The representatives of Planning Department (PlanD) and the applicant’s representatives were invited to the meeting at this point:

Mr David Y.M. Ng - District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYLW), PlanD

Mr Ronald C.H. Chan - Assistant Town Planner/Tuen Mun (ATP/TM), PlanD

Mr George Mak]

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Ms Alky Choi] Applicant’s Representatives

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Mr Tam Ka Fai]

64. The Chairperson extended a welcome and explained the procedure of the review hearing. She then invited PlanD’s representatives to brief Members on the review application.

65. With the aid of a PowerPoint presentation, Mr David Y.M. Ng, DPO/TMYLW, briefed Members on the background of the review application including the consideration of the application by the Rural and New Town Planning Committee (RNTPC) of the Town Planning Board (the Board), departmental and public comments, and planning considerations and assessments as detailed in the Paper.

66. The Chairperson then invited the applicant's representatives to elaborate on the review application. With the aid of a PowerPoint presentation, Mr George Mak and Mr Tam Ka Fai, the applicant's representatives, made the following points in support of the review application:

- (a) the Site fell within the "Agriculture" ("AGR") zone and the coastline was located to the further north. The Site was located adjacent to the Hong Kong-Shenzhen Western Corridor. As seen from the aerial photo, there were a number of open storage yards in the vicinity and there was very limited agricultural activity in the area. Most of the relevant departments had no adverse comment on the application. Approval of the application would not set an undesirable precedent. Many applications for open storage uses had also been approved in "AGR" zones in Kam Tin area;
- (b) a supplementary Traffic Impact Assessment (the TIA) had been recently conducted. Due to time constraint, it had not been formally submitted to the Board before the meeting;
- (c) based on the current proposal, no medium or heavy goods vehicle would be used and the daily trip generation was very low. The number of trip adopted in the TIA was based on actual operational data of the applicant's company. Sufficient space would be provided within the Site for vehicle maneuvering, therefore, reversing or queuing of vehicles outside the Site on public road was not required. The TIA concluded that the traffic generated by the proposed development would not cause unacceptable traffic impact on Deep Bay Road;
- (d) the Site would only be used for storage of electric spare parts and no

workshop activity would be carried out. The proposed development would not cause air, noise, light and water pollution. The existing trees within the Site would be preserved and additional trees could be planted as required to mitigate any potential landscape impact; and

- (e) the Site had been used for open storage use since 1988. The applicant acquired the Site in 2017 and had removed all unauthorised building structures at the Site as required by the Government. The application was for a temporary planning permission of two years and no permanent structure would be constructed at the Site. If the application was approved, the applicant would comply with all approval conditions stipulated by the Board.

67. As the presentations from PlanD and the applicant's representatives had been completed, the Chairperson invited questions from Members.

68. The Chairperson and some Members raised the following questions:

- (a) whether the findings of the TIA as shown by the applicant's representatives in the meeting had been circulated to relevant departments for comment; and
- (b) noting that the Site had been hard-paved and unauthorised structures were previously erected, whether relevant government departments had required, besides clearing of those structures, reinstatement of the Site.

69. Mr David Y.M. Ng, DPO/TMYLW, made the following responses:

- (a) the information shown in the TIA had not been circulated to relevant departments for comment as the applicant had not submitted it to the Board before the meeting;
- (b) the Site was being used as a pigsty when the Ha Tsuen Interim Development Permission Area Plan was published in 1990. While the

open storage use at the Site could not be considered as an “existing use”, there was no requirement from the Government for reinstatement of the Site.

70. The Chairperson invited the Secretary to explain the procedure for handling further information (FI) provided by the applicant. The Secretary said that according to Town Planning Board Guidelines No. 32 on “Submission of Further Information in Relation to Applications for Amendment of Plan, Planning Permission and Review” (TPB PG-No. 32), submission of FI should preferably be made at least one week before the scheduled meeting of the Board. The Secretary would then consider whether the FI submitted could be accepted and exempted from the publication requirements in accordance with TPB PG-No. 32. Generally speaking, FI resulting in material change to the application would not be accepted and new submission of technical assessments would need to be published for public inspection and comment. Departmental comments would also be sought as appropriate. For the current case, the TIA shown in the applicant’s presentation had not been submitted before the meeting. The Board could consider deferring consideration of the application so as to allow time to process the FI, including for the public and relevant departments to comment on the submission. Alternatively, the Board might disregard the information in the TIA in considering the application.

71. As Members had no further question, the Chairperson informed the applicant’s representatives that the hearing procedure for the review application had been completed. The Board would further deliberate on the review application and inform the applicant of the Board’s decision in due course. The Chairperson thanked the applicant’s representatives and PlanD’s representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

72. The Chairperson remarked that the applicant had prepared a supplementary TIA in support of the review application. It might be more pragmatic to defer consideration of the application to allow time to process the FI, including seeking the public and relevant department’s comment on the TIA as traffic impact was one of the planning considerations of the Board. The Vice-chairperson and another Member concurred and said that it would be more prudent to defer consideration of the application.

73. Mr Raymond K.W. Lee, Director of Planning, said that alternatively, if the Board considered that the information in the TIA would not have material planning implication, the Board could continue to consider the application based on the information currently in hand. The Board should send a clear message to the public to discourage delaying tactics by making last-minute submission of substantial FI.

74. A Member noted that 8 parking spaces were proposed at the Site by the applicant and expressed doubt on the assumption of 6 daily vehicular-trips adopted in the TIA. Two Members considered that even if the concern on traffic could be addressed, the applicant had not properly addressed the concerns on planning intention and landscape impact. Another Member echoed this view and considered that land use compatibility should be the major planning consideration in the current case. Nevertheless, Members considered that it would be more prudent to seek the comments from relevant departments on the TIA submitted by the applicant at the meeting so as to ascertain the traffic impact of the proposed development.

75. After deliberation, the Board agreed to defer a decision on the review application so as to allow time to process the supplementary TIA which was submitted at the meeting.

Advisory clauses

- (a) to note the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD)'s comments that the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The Site falls within "Fu Tei Au Site of Archaeological Interest" (AM98-0910). The Site is accessible from Deep Bay Road through Government Land (GL). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. The lot owner will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;
- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD) that if the proposed access arrangement is agreed by Transport Department (TD), a proper road connection or run-in/out should be constructed to the satisfaction of TD and HyD. Adequate drainage measures should be provided at the site access to prevent the surface water flowing from the Site to nearby public roads/drains. The proposed access will be across the existing U-channel between the Site and Deep Bay Road. The applicant should design, construct and maintain the access, including the U-channel, without disruption to the existing drainage system to the satisfaction of his department. The applicant is required to submit the relevant access proposal for his further comment. After the expiry of the planning application, the applicant is required to reinstate the affected area (i.e. the existing U-channel) to its original status. HyD shall not be responsible for the maintenance of any access connecting the Site and Deep Bay Road;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, Plan D) that the applicant is reminded that approval of the Landscape Proposal under planning application does not imply approval of tree works such as felling/transplanting or pruning under lease. Any proposed tree preservation/removal scheme involving trees outside the Site in particular, the applicant shall be reminded to approach relevant authority/government department(s) direct to obtain necessary approval;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned application. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of his department should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The Site shall be provided with

means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Director of Environmental Protection (DEP) that the applicant is advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the DEP to minimize potential environmental nuisance to the surrounding area; and
- (g) to note the comments of the Antiquities and Monuments Office (AMO) that the applicant is required to inform AMO immediately if antiquities or supposed antiquities are discovered within the Site for the temporary warehouse.