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**SECTION 16 PLANNING APPLICATION**

**PROPOSED TEMPORARY WAREHOUSE (EXCLUDING DANGEROUS GOODS GODOWN)  
WITH ANCILLARY FACILITIES FOR A PERIOD OF 3 YEARS  
AND ASSOCIATED FILLING OF LAND IN “AGRICULTURE” ZONE,**

**VARIOUS LOTS IN D.D. 91 AND D.D. 100,  
LIN TONG MEI, FANLING, NEW TERRITORIES**

**PLANNING STATEMENT**

Applicant

**Starwall Solar System Limited**

Consultancy Team

Planning Consultant: **R-riches Property Consultants Limited**

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## EXECUTIVE SUMMARY

- The applicant seeks planning permission from the Town Planning Board to use Lots 3339 RP (Part), 3340 RP (Part), 3346 RP (Part), 3347 (Part), 3348 (Part), 3349 (Part) & 3350 S.B RP in D.D. 91 and Lots 1486 RP (Part), 1490 (Part), 1491 (Part) & 1493 RP (Part) in D.D. 100, Lin Tong Mei, Fanling, New Territories (the Site) for **'Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land'** (proposed development).
- The Site falls within an area zoned as "Agriculture" on the Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/21. The Site consists of an area of 6,604 m<sup>2</sup> (about). A total of 2 structures are proposed at the Site for warehouse (excluding dangerous goods godown), site office, washroom and rain shelter for loading/unloading (L/UL) activities with total GFA of 4,134 m<sup>2</sup> (about), the remaining area is designated as area for parking, L/UL spaces and circulation area.
- The Site is accessible from Fan Kam Road via a local access. The operation hours of the Site are Monday to Saturday from 07:00 to 19:00. No operation on Sunday and public holiday.
- Justifications for the proposed development are as follows:
  - The applicant's original premises are affected by the development of Yuen Long South Development Area (YLS DA)
  - The applied use is similar to the applicant's original premises in Tong Yan San Tsuen
  - The proposed development is not incompatible with surrounding land use
  - No significant adverse impact is anticipated to the surrounding area
  - The proposed development is on a temporary basis, it will not frustrate the long-term planning intention of the "AGR" zone
- Details of development parameters are as follows:

|                              |                              |
|------------------------------|------------------------------|
| <b>Application Site Area</b> | 6,604 m <sup>2</sup> (about) |
| <b>Covered Area</b>          | 4,134 m <sup>2</sup> (about) |
| <b>Uncovered Area</b>        | 2,470 m <sup>2</sup> (about) |
| <b>Plot Ratio</b>            | 0.63 (about)                 |
| <b>Site Coverage</b>         | 63% (about)                  |
| <b>Number of Structure</b>   | 2                            |
| <b>Total GFA</b>             | 4,134 m <sup>2</sup> (about) |
| - Domestic GFA               | Not applicable               |
| - Non-Domestic GFA           | 4,134 m <sup>2</sup> (about) |
| <b>Building Height</b>       | 5 m - 11 m (about)           |
| <b>No. of Storey</b>         | 1                            |

行政摘要 (內文如與英文版本有任何差異，應以英文版本為準)

- 申請人現根據《城市規劃條例》(第 131 章)第 16 條，向城市規劃委員會提交有關新界粉嶺蓮塘尾丈量約份第 91 約地段第 3339 號餘段(部分)，第 3340 號餘段(部分)，第 3346 號餘段(部分)，第 3347 號(部分)，第 3348 號(部分)，第 3349 號(部分)及第 3350 號 B 分段餘段及丈量約份第 100 約地段第 1486 號餘段(部分)，第 1490 號(部分)，第 1491 號(部分)及第 1493 號餘段(部分)的規劃申請，於上述地段作「擬議臨時貨倉(危險品貨倉除外)連附屬設施(為期 3 年)及相關填土工程」。
- 申請地點所在的地區在《古洞南分區計劃大綱草圖編號 S/NE-KTS/21》上劃為「農業」用途地帶。申請地盤面積為 6,604 平方米(約)。申請地點將設有 2 座構築物作貨倉(危險品貨倉除外)、上落貨位的避雨篷、辦公室及洗手間。構築物的總樓面面積合共為 4,134 平方米(約)，其餘地方將預留作泊車位、上/落貨位及流轉空間。
- 申請地點可從粉錦公路經一條地區道路前往。擬議發展的作業時間為星期一至六上午 7 時至下午 7 時，星期日及公眾假期休息。
- 擬議發展的申請理據如下：
  - 申請人原來的經營處所受到元朗南發展區影響
  - 申請的用途與申請人先前於唐人新村的發展用途大致相同
  - 擬議發展與周邊用途並非不協調
  - 擬議發展不會對周邊地區帶來負面影響
  - 擬議發展屬臨時性質，不會影響「農業」用途地帶的長遠規劃意向

- 擬議發展的詳情發展參數如下：

|           |              |
|-----------|--------------|
| 申請地盤面積：   | 6,604 平方米(約) |
| 上蓋總面積：    | 4,134 平方米(約) |
| 露天地方面積：   | 2,470 平方米(約) |
|           |              |
| 地積比率：     | 0.63(約)      |
| 上蓋覆蓋率：    | 63%(約)       |
|           |              |
| 樓宇數目：     | 2 座          |
| 總樓面面積     | 4,134 平方米(約) |
| 住用總樓面面積：  | 不適用          |
| 非住用總樓面面積： | 4,134 平方米(約) |
|           |              |
| 構築物高度：    | 5 米-11 米(約)  |
| 構築物數：     | 1 層          |

## **1. INTRODUCTION**

### *Background*

- 1.1 **R-riches Property Consultants Limited** has been commissioned by Starwall Solar System *Limited* (the applicant) to make submission on its behalf to the Town Planning Board (the Board) under the Section (S.) 16 of the *Town Planning Ordinance (Cap. 131)*(the Ordinance) in respect to use *Lots 3339 RP (Part), 3340 RP (Part), 3346 RP (Part), 3347 (Part), 3348 (Part), 3349 (Part) & 3350 S.B RP in D.D. 91 and Lots 1486 RP (Part), 1490 (Part), 1491 (Part) & 1493 RP (Part) in D.D. 100, Lin Tong Mei, Fanling, New Territories (Plans 1 to 3)*.
- 1.2 The applicant seeks to use the Site for '**Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land**'. The Site currently falls within an area zoned as "Agriculture" ("AGR") on the Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/21 (**Plan 2**). According to the Notes of the OZP, the proposed use is not column one nor column two use within the "AGR" zone. Therefore, planning permission is required to be obtained from the Board by the applicant to facilitate the proposed development at the Site.
- 1.3 In support of the proposal, a set of indicative development plans and drawings are provided with the planning statement (**Plans 1 to 11**). Set of assessments to mitigate potential adverse impacts will be submitted, if required, at a later stage for the consideration of Government departments and members of the Board.

## 2. JUSTIFICATIONS

### *To Facilitate the Relocation of the Applicant's Original Business Premises Affected by the Implementation of YLS DA*

- 2.1 The applicant had been operating its business premises in Tong Yan San Tsuen (i.e. *Lots 295 RP, 296 S.D and 298 RP (Part) in D.D. 121*) for 'storage' use since the 2010s (**Plan 4**). The original premises falls within an area zoned as "Other Specified Use" annotated "Storage and Workshop Uses" ("OU(SWU)") and area shown as 'Road' on the Approved Tong Yan San Tsuen OZP No. S/YL-TYST/14. According to the Notes of the OZP, 'warehouse' use is a column one use under "OU(SWU)" zone, which is always permitted (**Plan 5**). The applicant later seeks planning permission from the Board to convert the 'warehouse' premises to 'shop and services with vehicle repair workshop' uses to meet the operational need in 2021. The planning application (No. A/YL-TYST/1090) for 'Proposed Temporary Shop and Services with Ancillary Vehicle Repair Workshop', was approved by the Board on a temporary basis of 5 years on 14/05/2021.
- 2.2 However, the outbreak of the COVID-19 reduced the customers' willingness to visit physical premises, which made it difficult for the applicant to continue operating the 'shop and services' business during the pandemic. In order to overcome the operational challenges, the applicant converted the existing structures, which were previously approved under the S.16 planning application No. A/YL-TYST/1090, for the original 'storage' use in 2022.
- 2.3 According to the implementation program of the development of YLS DA, the applicant's original premises fall within site under the *First Phase Development of the YLS DA (Plans 4 and 5)*. As land where the affected business premises (i.e. the application site of the application No. A/YL-TYST/1090) has already been resumed and reverted to the Government in August 2022. Therefore, the applicant desperately needs to identify a suitable site for relocation to continue their business premises.

### *Applicant's effort in identifying suitable site for relocation*

- 2.4 Whilst the applicant has spent effort to relocate its premises to a number of alternative sites in the New Territories, those sites were considered not suitable or impracticable due to various issues such as land use incompatibility, environmental concerns, land ownership, accessibility or site area being too small (**Appendix II and Plan 7**). After a lengthy site search process, the Site was identified for relocation as it is relatively flat and easily accessible from Fan Kam Road (**Plan 1**).

### *Applied Use Is Similar to The Affected Business in Tong Yan San Tsuen*

- 2.5 The proposed development involves a warehouse for storage of vehicle parts and

goods with site office to support the daily operation of the Site (**Plan 9**). Although the area of the Site (i.e. about 6,604m<sup>2</sup>, +4.5%) and GFA (i.e. about 4,134m<sup>2</sup>, +5%) are slightly larger than the application site of the approved application (No. A/YL-TYST/1090), a significant portion of the Site (i.e. 2,470 m<sup>2</sup>, 37%) is uncovered and designated for manoeuvring and parking of vehicles, in order to support the daily operation of the Site. According to the applicant, the original premises currently lack adequate circulation space, resulting in prolonged waiting times for vehicles for L/UL of goods. Therefore, a substantial amount of circulation space is reserved at the Site in order to increase the Site's overall efficiency, as well as to minimise the potential adverse traffic impact to the surrounding road network.

*Approval of the Application would not Frustrate the Long-Term Planning Intention of the "AGR" Zone*

- 2.6 Although the Site falls within area zoned as "AGR" on the Draft Kwu Tung South OZP No. S/NE-KTS/21, the Site is currently vacant with no active agricultural activity. Therefore, approval of the current application on a temporary basis of 3 years would not frustrate the long-term planning intention of the "AGR" zone and would better utilize deserted land in the New Territories.
- 2.7 Despite the fact that the proposed development is not in line with planning intention of the "AGR" zone, the special background of the application should be considered on its individual merit, which approval of the current application would therefore not set an undesirable precedent for the "AGR" zone.

*The Proposed Development is Not Incompatible with Surrounding Land Use*

- 2.8 The surrounding areas of the Site are considered to be in semi-rural character and are predominately occupied by storage yards, shop and services, vacant land and temporary structures, the proposed development is therefore considered not incompatible with surrounding land uses. Upon approval of the planning application, the applicant will make effort in complying with approval conditions related to fire services and drainage aspects, to minimize potential adverse impact arisen from the proposed development.



### **3. SITE CONTEXT**

#### *Site Location*

3.1 The Site is located in Ling Tong Mei, Fanling, New Territories (**Plan 1**). It is approximately 20m west of Fan Kam Road; 2.5km south of Fanling Highway; 4.3 km southwest of Fanling MTR Station; and 15.3 km northeast of the original premises in Tong Yan San Tsuen.

#### *Accessibility*

3.2 The Site is accessible from Fan Kam Road via a local access (**Plan 1**).

#### *Existing Site Condition*

3.3 The Site is currently vacant, unfenced and covered by vegetation (**Plans 1, 3 and 8**).

#### *Surrounding Area*

3.4 The Site is mainly surrounded by storage yards, shop and services, vacant land and sites occupied by temporary structures (**Plans 1, 3 and 8**).

3.5 To its immediate north are temporary structures occupied by eating place and parking of vehicle. To its further north are land areas mostly covered by woodland and vacant land covered by vegetation (**Plans 1, 3 and 8**).

3.6 To its immediate east is Fan Kam Road. To its further east across Fan Kam Road is an area zoned as "Green Belt" are mostly lands covered by vegetation, woodland and grasses (**Plans 1, 3 and 8**).

3.7 To its immediate south are land covered by tree groups and vacant land. To its further south is an area zoned as "Residential (Group C)" for permitted residential development – 'Cadenza' (**Plans 1, 3 and 8**).

3.8 To its immediate and further west is an area zoned as "Village Type Development" and a cluster of village house development (**Plans 1, 3 and 8**).

#### 4. PLANNING CONTEXT

##### *Zoning of the Application Site*

- 4.1 The Site currently falls within an area zoned as "AGR" on the Draft Kwu Tung South OZP No. S/NE-KTS/21 (**Plan 2**). According to the Notes of the OZP, 'warehouse' is not a column 1 nor column 2 use within the "AGR" zone, which requires permission from the Board.

##### *Planning Intention*

- 4.2 This planning intention of the subject "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.*

##### *Filling of Land Restrictions*

- 4.3 According to the Remarks of the subject "AGR" zone, any ***filling of land***, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Kwu Tung South OZP No. S/NE-KTS/10 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance.

##### *Previous Application*

- 4.4 There is no previous application for temporary 'warehouse' use within the same application site.

##### *Similar Application*

- 4.5 There is no similar application for temporary 'warehouse' use within in the same "AGR" zone.

##### *Land Status*

- 4.6 The Site consists of 7 private lots in D.D. 91 and 4 private lots in D.D 100 with an area of 6,604 m<sup>2</sup> (about) of Old Schedule Lots held under the Block Government Lease (**Plan 3**). All private lots are owned by a company.

- 4.7 Since there is the restriction that no structure is allowed to be erected without the prior approval of the Government, the applicant will submit Short Term Waiver (STW) applications to the Lands Department to make way for erection of the proposed structures at the Site respectively after planning approval has been obtained from the Board. No structure is proposed for domestic use.

## 5. DEVELOPMENT PROPOSAL

### Development Details

5.1 The area of the Site is 6,604 m<sup>2</sup> (about). Details of development parameters are shown at **Table 2** below.

**Table 2:** Development Parameters of the Proposed Development

|                              |                              |
|------------------------------|------------------------------|
| <b>Application Site Area</b> | 6,604 m <sup>2</sup> (about) |
| <b>Covered Area</b>          | 4,134 m <sup>2</sup> (about) |
| <b>Uncovered Area</b>        | 2,470 m <sup>2</sup> (about) |
| <b>Plot Ratio</b>            |                              |
|                              | 0.63 (about)                 |
| <b>Site Coverage</b>         |                              |
|                              | 63% (about)                  |
| <b>Number of Structure</b>   |                              |
|                              | 2                            |
| <b>Total GFA</b>             |                              |
| - Domestic GFA               | Not applicable               |
| - Non-Domestic GFA           | 4,134 m <sup>2</sup> (about) |
| <b>Building Height</b>       |                              |
|                              | 5 m - 11 m (about)           |
| <b>No. of Storey</b>         |                              |
|                              | 1                            |

5.2 A total of 2 structures are proposed at the Site for warehouse (excluding dangerous goods godown), site office, rain shelter for L/UL activities and washroom with total GFA of 4,134 m<sup>2</sup> (about), the remaining area is reserved for parking, L/UL spaces and circulation area (**Plan 9**). Details of structures are shown at **Table 3** below:

**Table 3:** Details of Proposed Structures

| Structure    | Use   | Covered Area                       | Gross Floor Area                   | Building Height |
|--------------|---|------------------------------------|------------------------------------|-----------------|
| B1           | Warehouse (excluding dangerous goods godown) and washroom | 4,013 m <sup>2</sup>               | 4,013 m <sup>2</sup>               | 11 m (1-storey) |
| B2           | Rain shelter for L/UL activities                          | 121 m <sup>2</sup>                 | 121 m <sup>2</sup>                 | 5 m (1-storey)  |
| <b>Total</b> |   | <b>4,134 m<sup>2</sup> (about)</b> | <b>4,134 m<sup>2</sup> (about)</b> | -               |

### Filling of Land at the Site

5.3 The Site is proposed to be filled wholly with concrete of not more than 2.3m in depth for site formation of structures, parking and L/UL spaces and circulation area (**Plan 10**).

Concrete site formation for the whole site is required to meet the operation needs and the extent of filling has been kept to minimal. The applicant will reinstate the Site to an amenity area after the planning approval period.

#### Operation Mode

- 5.4 The proposed development will operate from Monday to Saturday from 07:00 to 19:00. No operation on Sunday and public holiday. No workshop activities and storage of dangerous goods will be carried out at the Site at any time during the planning approval period.
- 5.5 It is estimated that the Site would be able to accommodate not more than 10 staff. The site office is proposed to provide indoor workspace for administrative staff to support the daily operation of the Site. As no shopfront is proposed at the Site, no visitor is anticipated at the Site.

#### Minimal Traffic Impact

- 5.6 The Site is accessible from Fan Kam Road via a local access (**Plan 1**). One 9 m (about) wide ingress/egress is provided at the northern part of the Site (**Plan 9**). A total of 8 parking and L/UL spaces are provided at the Site, details of spaces are provided at **Table 4** below:

**Table 4:** Parking and L/UL Provisions

| Type of Parking Space:  | Number of Space |
|---|-----------------|
| Private Car (PC) Parking Space for Staff<br>- 2.5 m (W) X 5 m (L)   | 5               |
| Type of L/UL Space:   | Number of Space |
| L/UL Space for Medium Goods Vehicle (MGV)<br>- 3.5 m (W) X 11 m (L) | 2               |
| L/UL Space for Container Vehicle (CV)<br>- 3.5 m (W) X 16 m (L)     | 1               |

- 5.7 Sufficient space is also provided for vehicle to smoothly manoeuvre within the Site to ensure that no vehicle will be allowed to queue back to or reverse onto/from the Site (**Plan 11**). Staff is deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicle to enhance pedestrian safety. As traffic generated and attracted by the proposed development is minimal (as shown at **Table 5** below), adverse traffic impact should not be anticipated.

**Table 5: Trip Generation and Attraction of the Proposed Development**

| Time Period   | Trip Generation and Attraction |     |     |     |    |     |                |
|---|--------------------------------|-----|-----|-----|----|-----|----------------|
|   | PC                             |     | MGV |     | CV |     | 2-Way<br>Total |
|   | In                             | Out | In  | Out | In | Out |                |
| Trip at <u>AM peak</u><br>per hour<br>(07:30 – 08:30) | 4                              | 0   | 0   | 0   | 0  | 0   | 4              |
| Trip at <u>PM peak</u><br>per hour<br>(17:30 – 18:30) | 0                              | 4   | 0   | 0   | 0  | 0   | 4              |
| Trip per hour<br>(average)                            | 0                              | 0   | 1   | 1   | 1  | 1   | 4              |

- 5.8 For staff who are commuting to the Site by public transport services, the nearest bus stop is located approximately 130m south of the Site with frequent bus services. Details of public transport services serving the Site (within 250m from the Site) are shown at **Table 6** and below:

**Table 6: Public Transport Serving the Site**

| Route No.      | Termination Points              |             | Frequency           |
|----------------|---------------------------------|-------------|---------------------|
| Franchised Bus |                                 |             |                     |
| 77K            | Yuen Long<br>(Fung Cheung Road) | Sheung Shui | 15 to 20<br>minutes |

Source: KMB Website

#### Minimal Environmental Impact

- 5.9 The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department (EPD) to minimise adverse environmental impacts and nuisance to the surrounding area. The applicant will strictly comply with all environmental protection / pollution control ordinances, i.e. Water Pollution Control Ordinance, Air Pollution Control Ordinance, Noise Control Ordinance etc. at all times during the planning approval period.
- 5.10 During the construction stage, the applicant will follow the good practices stated in *ProPECC PN 2/23* to minimize the impact on the nearby watercourse water quality. Surface run-off from the construction phase must be discharged into storm drains through appropriately designed sand/silt removal facilities such as sand traps, silt traps, and sediment basins. Silt removal facilities, channels, and manholes will be maintained, and the deposited silt and grit will be removed on a regular basis, at the start and end of each rainstorm, to ensure that these facilities are always operational.

- 5.11 During the operation of the proposed development, the major source of wastewater will be sewage from the washroom generated by staff. The applicant will implement good practices under *ProPECC PN 1/23* when designing on-site drainage system with the Site. Licensed collectors will be employed by the applicant to collect and dispose of sewage regularly.
- 5.12 2.5m high solid metal wall will be erected along the site boundary by the applicant. The boundary wall will be installed properly by licensed contractor to prevent misalignment of walls, to ensure that there is no gap or slit on boundary wall. Maintenance of the boundary fencing will be conducted by the applicant on a regular basis.

#### *Minimal Landscape Impact*

- 5.13 No old and valuable tree or protected species has been identified at the Site. Due to proposed hard-paving works for circulation purpose, majority of the Site area will be disturbed. The remaining area will also be affected by the erection of structures, consequently, no existing tree is proposed to be preserved at the Site.

#### *Minimal Drainage Impact*

- 5.14 The applicant will submit a drainage proposal to minimize drainage impact after planning approval has been granted from the Board. The applicant will implement the proposed drainage facilities at the Site once the drainage proposal is accepted by Drainage Services Department/the Board.

#### *Fire Safety Aspect*

- 5.15 The applicant will submit a fire service installation (FSIs) proposal after planning approval has been granted by the Board. The applicant will implement the proposed FSIs at the Site once the proposal is accepted by Fire Services Department/the Board.

## **6. CONCLUSION**

- 6.1 The current application is intended to facilitate the relocation of the applicant's business premises in Tong Yan San Tsuen, which is affected by the development of YLS DA. Whilst the applicant attempted to relocate its premises to a number of alternative sites in the New Territories, those sites were considered not suitable or impracticable (**Appendix II** and **Plan 7**). Since the applied use is similar as the affected business premises, approval of the application could facilitate relocation prior to land resumption, thereby minimizing the impact on the YLS DA implementation programme.
- 6.2 When compared with the approved application (No. A/YL-TT/1090), there are slight increases in site area, covered area, GFA, parking and L/UL spaces while the number of structures is decreased to meet the operational needs. Given that the application's special background is to facilitate the development of YLS DA, approval of the current application would not set an undesirable precedent within the "AGR" and should be considered on its own merits and circumstances.
- 6.3 The proposed development is considered not incompatible with surroundings as the Site is surrounded by storage yards, vacant land and occupied by temporary structures for storage, shop and services and eating place uses. Although the Site currently falls within an area zoned as "AGR" on the Draft Kwu Tung South OZP No. S/NE-KTS/21, the Site is currently vacant with no active agricultural use. Therefore, approval of the current application on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone and to facilitate the relocation of the applicant's business premises.
- 6.4 The proposed development will not create significant nuisance to the surrounding areas. Adequate mitigation measures will be provided, i.e. submission of the drainage and FSIs proposals etc. to mitigate any adverse impact arising from the proposed development. The applicant will strictly follow the '*Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites*' by the EPD to minimize all possible environmental impacts on the nearby sensitive receivers.
- 6.5 In view of the above, the Board is hereby respectfully recommended to approve the subject application for '**Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land**'.

**R-riches Property Consultants Limited**  
**December 2024**