

Responses-to-Comments

Proposed Temporary Open Storage of Construction Materials and Machinery and Storage of Tools and Parts with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land in “Agriculture” Zone, Lot 385 RP (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long, New Territories

(Application No. A/YL-HTF/1179)

(i) A RtoC Table:

Departmental Comments		Applicant’s Responses
1. Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (GEO, CEDD)		
(a)	A registered man-made slope Feature No. 6NW-A/C172, which may affect or be affected by the proposed development, is located in the vicinity of the application site. As the stability of the feature is uncertain, the applicant is recommended to locate the proposed structure(s) or storage of materials outside the buffer zone as shown in the attached Plan A.	A 2 m buffer zone is proposed between the open storage area and the feature. There will be no construction of structures and storage of materials within the buffer zone. The revised layout plan is enclosed at Plan 7 .
(b)	The applicant is reminded of the requirements of making necessary submission(s) of the site formation works, including but not limited to any necessary stability assessment on the existing geotechnical features within and/or in the vicinity of the application site, to the Buildings Department for approval as required under the provisions of the Buildings Ordinance if found applicable.	Noted.

Departmental Comments		Applicant's Responses
2. Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD)		
(a)	According to the aerial photo of 2023, the Site is situated in an area of rural landscape predominated by village houses, temporary structures, ponds and scattered tree groups. From the site photos taken in September 2024, the Site is mainly covered with bare soil and wild grass. Trees and vegetation at the periphery within the site boundary were observed. According to the aerial photo of 2023, a large portion of area within the Site covered by trees and vegetation were observed. Extensive site formation and removal of existing trees and vegetation were already undertaken at the Site.	Noted.
(b)	Landscape technical information such as information of existing landscape resources and proposed mitigation measures are not included. The applicant should provide the broad-brush tree survey, mitigation measures and landscape proposal to demonstrate that the proposed uses would not have adverse landscape impact on the Site and surrounding areas.	<p>The site inspection conducted on 15.10.2024 identified 15 nos. of existing tree and 3 nos. of dead tree within the application site (the Site). The tree survey report is enclosed at Annex 1. All trees identified are of common species. Among them, 6 of them are in direct conflict with the proposed development and are proposed to be felled. Besides, 3 dead trees will be removed. The remaining 9 trees will be retained in situ.</p> <p>In order to mitigate the potential landscape impact arising from the proposed development, the applicant proposes to plant 9 nos. of new tree at the Site on a 1:1 ratio, with a view to compensating for the 6 nos. of existing tree to be felled, and 3 nos. of dead tree to be removed. The landscape plan at Plan 10 refers.</p>
(c)	We would reserve our comment upon receipt of the required landscape technical information in accordance with the Guidance Notes on Application for Permission under Section 16 of the Town Planning Ordinance (Cap. 131) for consideration.	Noted.

Departmental Comments		Applicant's Responses
3. Comments of the Director of Agriculture, Fisheries and Conservation (DAFC)		
(a)	The subject site falls within the "AGR" zone and is generally abandoned. Agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The subject site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the subject site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.	<p>The Site has been left abandoned for decades without active agricultural use. The Site is surrounded by various brownfield operations, which is considered not suitable for agricultural activities.</p> <p>Similar applications (nos. A/YL-HTF/1133, 1150, 1155 & 1166) have recently been approved by the Town Planning Board (the Board) within the same "Agriculture" ("AGR") zone. As such, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "AGR" zone. Besides, the applicant will reinstate the Site to an amenity area upon expiry of the planning approval period.</p>
(b)	The Site is about 70 m from the Shenzhen Bay Bridge Egrettry which has been active in recent years. Although he has no objection to the application from nature conservation perspective, if the application is approved, the applicant should preserve the existing trees along the site boundary, avoid disturbing the breeding birds and their nests and eggs, and also avoid directing lighting to the concerned trees.	Noted.

(ii) The applicant would like to provide further clarifications in regard to the traffic aspect:

- To the west of the Site, there is an adjoining site under planning application no. A/YL-HTF/1133 (subsequently renewed under planning application no. A/YL-HTF/1166) approved by the Board in June 2022, where portion of the applicant's business under the current application will be operating. The applicant under planning application no. A/YL-HTF/1133 undertook to submit/implement a road improvement proposal and associated engineering drawings/works, of which the submission was accepted by the Commissioner for Transport, the Director of Highways and the Head of Geotechnical Engineering Office of Civil Engineering and Development Department in February 2023. As such, it is anticipated that the additional traffic induced by the proposed development will be address by the improvement works and will not cause adverse traffic impact to the surrounding road network.
- Container vehicle will be deployed for the delivery activity at the Site. It is estimated that the proposed development would generate not more than 1 vehicular trip and attract not more than 1 vehicular trip per hour (not more than 2 trips for 2-way total per hour). Besides, the delivery activity will only be arranged for during non-peak hours i.e. between 09:00 to 18:00. In view of the low generation/attraction rate, it is expected that the proposed development will not impose adverse noise impact to the surrounding area.

(iii) The applicant would like to provide response to the public comments on the application:

Not in line with the planning intention of the "AGR" zone and TPB PG-No. 13G

- Although the Site falls within an area zoned "AGR" on the Approved Ha Tsuen Fringe OZP No. S/YL-HTF/12 and Category 3 areas under TPB PG-No. 13G, the Site has been left idle without any agricultural activity for decades. Therefore, approval of the current application on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone and would better utilize deserted land in the New Territories; and
- Despite the fact that the proposed development is not in line with the planning intention of the "AGR" zone, the special background of the applicant being an affected operator under the Second Phase development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) project should be considered on its individual merit, of which the approval of the current application would not set an undesirable precedent for the "AGR" zone and Category 3 areas under TPB PG-No. 13G. In addition, the current application is to facilitate the relocation of the affected operator, which is crucial to the smooth clearance of land and implementation of the HSK/HT NDA project and the provision of operating space for displaced brownfield operations still needed by the community.

Adverse environmental impact

- Given that the current application is to seek planning permission on a temporary basis for a period of 3 years, the proposed structure is expected to be constructed with temporary materials, whilst the majority of the Site is for open storage use where no structure will be

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erected thereon. The applicant undertakes to reinstate the Site into an amenity area upon expiry of relevant planning permission granted by the Board; and

- Upon obtaining planning permission from the Board, the applicant will provide periphery drainage u-channel with catchpits and sand trap to collect the surface run-off from the Site. The final design of the drainage facilities shall subject to the requirement of the Drainage Authority. Moreover, as mentioned in Section 5.10 of the Planning Statement, 2.5 m-high solid metal fencing will be erected along the site boundary. As such, adverse impacts to the watercourse and nearby natural environment are not envisaged.

Undesirable precedent of “destroy first, build later”

- The Site is currently of soiled ground. In view of the applicant’s operational need, it is therefore proposed to hard-pave the Site with concrete for the open storage operation. No filling of land nor erection of structure will be conducted before obtaining relevant planning permission from the Board and/or Short Term Waiver from the Government. Therefore, the application does not constitute an undesirable precedent of “destroy first, build later”; and
- The surrounding area of the Site is considered to be predominately in semi-rural character comprising unused/vacant land and sites of similar brownfield operations (planning application nos. A/YL-HTF/1133 & 1166) approved by the Board between 2022 and 2024. The proposed development is therefore considered not incompatible with surrounding land uses. The current application serves to facilitate the continued operation of displaced brownfield operations and the smooth delivery of land for housing supply and innovation and technology development.