
SECTION 16 PLANNING APPLICATION

**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**

PLANNING STATEMENT

Applicant

First Champion 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 (the Board) under Section (S.) 16 of the Town Planning Ordinance (Cap. 131) (the Ordinance) to use *Lot 385 RP (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories* (the Site) for '**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**' (the proposed development).
- The Site falls within an area zoned "Agriculture" ("AGR") on the Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12. The Site occupies an area of 3,514 m² (about), including 147 m² (about) of GL. One single-storey structure is proposed at the Site for site office, washroom and storage of tools and parts uses with total GFA of 18 m² (about). The remaining area is reserved for open storage of construction materials and machinery, vehicle parking and loading/unloading (L/UL) spaces and circulation area.
- The Site is accessible from Kai Pak Ling Road via a local access. The operation hours of the proposed development are Monday to Saturday from 08:00 to 19:00. No operation on Sundays and public holidays.
- Justifications for the proposed development are as follows:
 - the applicant's original premises is affected by land resumption for the development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA);
 - the applicant has previously spent effort in identifying suitable sites for relocation;
 - the applied use is the same as the applicant's original premises;
 - no significant adverse impact is anticipated from the proposed development; and
 - the proposed development is only on a temporary basis, approval of the application on a temporary basis would not frustrate the long-term planning intention of the "AGR" zone.
- Details of development parameters are as follows:

| | |
|------------------------------|--|
| Application Site Area | 3,514 m ² (about), including 147 m ² (about) of GL |
| Covered Area | 18 m ² (about) |
| Uncovered Area | 3,496 m ² (about) |
| Plot Ratio | |
| | 0.005 (about) |
| Site Coverage | |
| | 0.5% (about) |
| Number of Structure | |
| | 1 |
| Total GFA | |
| - Domestic GFA | Not applicable |
| - Non-Domestic GFA | 18 m ² (about) |
| Building Height | |
| | 3 m (about) |
| No. of Storey | |
| | 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元朗廈村丈量約份第 128 約地段第 385 號餘段(部分)及毗連政府土地的規劃申請，於上述地點作「擬議臨時露天存放建築材料和建築機械及貯存器材和零件連附屬設施(為期 3 年)及相關填土工程」(擬議發展)。
- 申請地點所在的地區在《廈村邊緣分區計劃大綱核准圖編號 S/YL-HTF/12》上劃為「農業」地帶。申請地盤面積為 3,514 平方米(約)，當中包括 147 平方米(約)的政府土地。申請地點將設有 1 座單層構築物作場地辦公室、洗手間及貯存器材和零件用途。構築物的總樓面面積合共為 18 平方米(約)，申請地點的其餘地方將預留作露天存放建築材料和建築機械空間、車輛停泊和上/落貨位及流轉空間。
- 申請地點可從雞伯嶺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八時至下午七時，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洪水橋/廈村新發展區收地影響；
 - 申請人先前已曾經致力尋找合適的搬遷地點；
 - 申請用途與申請人先前受影響的發展場地用途一致；
 - 擬議發展不會對周邊地區帶來重大負面影響；及
 - 擬議發展只屬臨時性質，批出規劃許可則不會影響「農業」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： | 3,514 平方米(約)， 包括 147 平方米(約)的政府土地 |
| 上蓋總面積： | 18 平方米(約) |
| 露天地方面積： | 3,496 平方米(約) |
| 地積比率： | 0.005 (約) |
| 上蓋覆蓋率： | 0.5% (約) |
| 樓宇數目： | 1 座 |
| 總樓面面積 | 18 平方米(約) |
| 住用總樓面面積： | 不適用 |
| 非住用總樓面面積： | 18 平方米(約) |
| 構築物高度： | 3 米(約) |
| 構築物層數： | 1 層 |

1. INTRODUCTION

Background

- 1.1 **R-riches Property Consultants Limited** has been commissioned by **First Champion Limited**¹ (the applicant) to make submission on their behalf to the Board under S.16 of the Ordinance in respect to *Lot 385 RP (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories* (the Site) (**Plans 1 to 3**).
- 1.2 The applicant would like to use the Site for '**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**' (the proposed development). The Site currently falls within an area zoned as "AGR" on the Approved Ha Tsuen Fringe OZP No. S/YL-HTF/12 (**Plan 2**). According to the Notes of the OZP, the applied use is not a column one nor two use within the "AGR" zone, which requires planning permission from the Board.
- 1.3 In support of the proposal, a set of indicative development plans and drawings are provided with the planning statement (**Plans 1 to 9**). Assessments to mitigate potential adverse impacts will be submitted, if required, at a later stage for the consideration of relevant Government Bureaux/Departments and members of the Board.

¹ **First Champion Limited** 豐上有限公司 (the applicant) is authorized by **Sum Kee Metal Company Limited** 森記五金有限公司 (the affected business operator) to facilitate the relocation of the existing affected business premises in HSK.

2. JUSTIFICATIONS

To facilitate the relocation of the applicant's business premises affected by HSK/HT NDA

- 2.1 The current application is intended to facilitate the relocation of the affected premises due to land resumption and to pave way for the development of HSK/HT NDA. According to the implementation programme, the affected premises falls within the land resumption limit for the development of HSK/HT NDA.
- 2.2 In 2022 and 2024, two planning applications (Nos. A/YL-HTF/1133 and 1166) were approved by the Board with policy support respectively in order to facilitate the relocation of the affected premises of 5 existing operators in Hung Shui Kiu. Compared with application No. A/YL-HTF/1133, there was a reduction of 5,986 m² in the site area of application No. A/YL-HTF/1166 due to various land administrative issues, of which 5,478 m² were part of the area originally designated for the relocation of the affected business of Tenant A (i.e. Sum Kee Metal Company Limited) (**Plan 4**). The current application with site area of 3,514 m² (about) would compensate for the reduced site area for the relocated operation of Tenant A. Details of the original premises are shown at **Table 1** below.

Table 1: Differences between the Original Premises and the Site

| Location | | Site Area |
|---|--|----------------------------|
| Original Premises in HSK | | |
| (a) | Various Lots in D.D. 124 | 27,176 m ² |
| Area Designated for Tenant A at the Relocation Sites | | |
| (b) | Under application No. A/YL-HTF/1133 | 25,745 m ² |
| (c) | Under application No. A/YL-HTF/1166 | 20,267 m ² |
| (d) | <i>Difference - (b) - (c)</i> | 5,478 m ² |
| The Application Site | | |
| (e) | Lot 385 RP (Part) in D.D. 128 and Adjoining GL | 3,514 m² |
| (f) | <i>Difference (d) - (e)</i> | -1,964 m ² |

- 2.3 Whilst the applicant has spent effort to relocate the affected portion of the tenant's premises to a number of alternative sites in the New Territories, the current Site is identified suitable as it is relatively flat, easily accessible and in close proximity to the tenant's relocated business at the adjoining open storage site approved by the Board under planning application Nos. A/YL-HTF/1133 and 1166.

Applied use is the same as the applicant's original premises

- 2.4 The proposed development involves the operation of an open storage of construction materials and machinery and storage of tools and parts with ancillary facilities to support the daily operation of the Site. The applied use is the same as the affected

business. The current site area is relatively smaller (i.e. -1964 m², -36%) than the site area being excluded in planning application No. A/YL-HTF/1166, which was originally designated for the relocation of the affected business of Tenant A.

- 2.5 The Site is mostly uncovered (i.e. 3,496 m², 99.5%) and designated for open storage use, vehicle parking and L/UL spaces and circulation area, in order to support the daily operation of the Site.

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 "AGR" on the Approved Ha Tsuen Fringe OZP No. S/YL-HTF/12, the Site is currently vacant without active agricultural activities. 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.

- 2.7 Despite the fact that the proposed development is not in line with the planning intention of the "AGR" zone, the special background of the application should be considered on its individual merit, of which the 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 uses

- 2.8 The surrounding areas of the Site are considered to be predominately in semi-rural character comprising unused/vacant land and some open storage yards. The proposed development is therefore considered not incompatible with surrounding land uses. Upon approval of the current application, the applicant will make effort in complying with approval conditions in relation to fire services and drainage aspects, so as to minimize potential adverse impacts arisen from the proposed development.

3. SITE CONTEXT

Site Location

- 3.1 The Site is located at approximately 70 m north of Deep Bay Road; 4.9 km west of Tin Shui Wai MTR Station; 7.9 km south of Shenzhen Bay Border Control Point; and 250 m northeast of the application site of planning application Nos. A/YL-HTF/1133 & 1166.

Accessibility

- 3.2 The Site is accessible from Kai Pak Ling Road via a local access (**Plan 1**).

Existing Site Condition

- 3.3 The Site is currently vacant, generally flat and partly covered with vegetation (**Plans 1, 3 and 6**).

Surrounding Area

- 3.4 The Site is mainly surrounded by unused/vacant land, public roads, open storage yards and temporary structures for warehouse use (**Plans 1, 3 and 6**).
- 3.5 To its immediate north is an open storage yard. To its further north is Deep Bay Road, across which are unused/vacant land and a pond.
- 3.6 To its immediate east is Kong Sham Western Highway, across which are sites occupied by brownfield uses e.g. warehouse, workshop, open storage yard etc., and the site of an approved planning application (No. A/YL-HTF/1128) for animal boarding establishment.
- 3.7 To its immediate south is vegetated land. To its further south is a knoll covered with vegetation.
- 3.8 To its west are the sites of approved planning applications (Nos. A/YL-HTF/1133 and 1166) for open storage and storage uses.

4. PLANNING CONTEXT

Zoning of the Site

- 4.1 The Site falls within an area zoned "AGR" on the Approved Ha Tsuen Fringe OZP No. S/YL-HTF/12 (**Plan 2**). According to the Notes of the OZP, the applied use is not a column one nor two use within the "AGR" zone, which requires planning permission from the Board.

Planning Intention

- 4.2 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.*

Filling of Land Restriction

- 4.3 According to the Remarks of the "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 coordinated 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 Ha Tsuen OZP No. S/YL-HT/6 without the permission from the Board under S.16 of the Ordinance.

Previous Application

- 4.4 The Site is not subject of any previous S.16 planning application for 'open storage' use.

Similar Applications

- 4.5 There are 4 similar planning applications (Nos. A/YL-HTF/1133, 1150, 1155 & 1166) for 'open storage' use within the same "AGR" zone on the OZP approved by the Board between 2022 and 2024.

Town Planning Board Guidelines (TPB PG-No.) 13G

- 4.6 *The Site falls within **Category 3 area**, which are those outside Category 1, 2 and 4 areas. Within these areas, "existing" and approved open storage and port back-up uses are to be contained and further proliferation of such uses is not acceptable. Applications falling within Category 3 areas would normally not be favourably considered unless the applications are on sites with previous approvals (irrespective of whether the application is submitted by the applicant of previous approval or a*

different applicant). In that connection, sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, a planning permission could be granted on a temporary basis up to a maximum period of 3 years.

- 4.7 The Site falls within Category 3 area of the *TPB PG-No. 13G (Plan 5)*, the proposed development would not generate significant adverse impacts on the surrounding areas. In addition, the affected premises will be resumed by the Government to facilitate the development of HSK/HT NDA. Approval of the current application is in line with *TPB PG-No. 13G* and would not set an undesirable precedent within the Category 3 area. It should be considered on individual merits given the special background of the applicant.

Land Status of the Site

- 4.8 The Site consists of a private lot, i.e. *Lot 385 RP (Part) in D.D. 128*, with private land area of 3,514 m² (about) of Old Schedule Lots held under Block Government Lease. Apart from the private lot, the Site also consists of 147 m² (about) of GL (**Plan 3**).
- 4.9 Given that there is restriction on the erection of structures without prior approval from the Government, the applicant will submit applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department to make way for the erection of the proposed structure at the Site and the occupation of GL 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 Site consists of an area of 3,514 m² (about), including 147 m² of GL. Details of development parameters are shown at **Table 2** below.

Table 2: Development Parameters of the Proposed Development

| | |
|------------------------------|--|
| Application Site Area | 3,514 m ² (about), including 147 m ² (about) of GL |
| Covered Area | 18 m ² (about) |
| Uncovered Area | 3,496 m ² (about) |
| Plot Ratio | |
| | 0.005 (about) |
| Site Coverage | |
| | 0.5% (about) |
| Number of Structure | |
| | 1 |
| Total GFA | |
| - Domestic GFA | Not applicable |
| - Non-Domestic GFA | 18 m ² (about) |
| Building Height | |
| | 3 m (about) |
| No. of Storey | |
| | 1 |

5.2 A single-storey structure is proposed at the Site for site office, washroom and storage of tools and parts uses with total GFA of 18 m² (about), the remaining open area is reserved for open storage of construction materials and machinery, vehicle parking space and circulation area (**Plan 7**). Details of the structure are shown at **Table 3** below.

Table 3: Details of Proposed Structures

| Structure | Use | Covered Area | GFA | Building Height |
|--------------|--|---------------------------------|---------------------------------|-----------------|
| B1 | Site Office, Washroom and Storage of Tools and Parts | 18 m ² | 18 m ² | 3 m (1-storey) |
| Total | | 18 m² (about) | 18 m² (about) | - |

Hard-paving at the Site

5.3 The Site is proposed to be entirely hard-paved with concrete of not more than 0.2 m in depth for open storage of construction materials and machinery, site formation of structure, vehicle parking space and circulation area (**Plan 8**). As the Site is

currently of soiled ground, concrete site formation is required to provide a relatively flat and solid surface for the applied use. Hence, hard-paving of the Site is considered required and has been kept minimal to meet the operation need of the proposed development.

Operation Mode

- 5.4 The Site is designated for open storage of construction materials (i.e. bricks, tiles, panel, beams, rod etc.) and machinery (i.e. elevated platform, excavator, digger, crane, forklift, generator etc.) and storage of tools and parts (i.e. drill, screwdriver, hammer, measuring tap, hacksaw, safety gloves etc.), which are the same as the applicant's original premises. The area designated for open storage is 2,409 m² (about). Operation hours are Monday to Saturday from 08:00 to 19:00. There is no operation on Sunday and public holidays.
- 5.5 It is estimated that the Site would be able to accommodate not more than 2 staff. The site office is intended to provide indoor workspace for staff to support the daily operation of the Site. As no shopfront is proposed at the Site, visitor is not anticipated at the Site.

Minimal Traffic Impact

- 5.6 The Site is accessible from Kai Pak Ling Road via a local access (**Plan 1**). A 9 m (about) wide ingress/egress is provided at the eastern part of the Site (**Plan 7**). A total of 2 parking and L/UL spaces are proposed at the Site. Details of the parking and L/UL space provision are shown at **Table 4** below:

Table 4 – Parking and L/UL Space Provision

| Type of Space | No. of Space |
|--|--------------|
| Parking Space for Private Car - 2.5 m (W) x 5 m (L) | 1 |
| Type of Space | No. of Space |
| L/UL Space for Container Vehicle - 3.5 m (W) x 16 m (L) | 1 |

- 5.7 Sufficient space is provided for vehicle to manoeuvre smoothly within the Site to ensure that no vehicle will be allowed to queue back to or reverse onto/from the Site to the public road (**Plan 9**). Staff will be deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicles to enhance pedestrian safety. Delivery of construction materials and machinery will be conducted during non-peak hours. The breakdown of estimated trip generation and attraction of the proposed development are provided at **Table 5** below.

Table 5: Trip Generation and Attraction of the Proposed Development

| Time Period | Trip Generation and Attraction | | | | 2-Way Total |
|--|--------------------------------|-----|----|-----|-------------|
| | PC | | CV | | |
| | In | Out | In | Out | |
| Trips at <u>AM peak</u> per hour (08:00 – 09:00) | 1 | 0 | 0 | 0 | 1 |
| Trips at <u>PM peak</u> per hour (18:00 – 19:00) | 0 | 1 | 0 | 0 | 1 |
| Traffic trip per hour (average) | 0 | 0 | 1 | 1 | 2 |

5.8 As the numbers of vehicular trips generated and attracted by the proposed development are minimal, adverse traffic impact to the surrounding road network should not be anticipated.

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 the Environmental Protection Department (EPD) to minimize adverse environmental impacts and nuisance to the surrounding areas. The applicant will strictly follow the Professional Persons Environment Consultative Committee Practice Notes (ProPECCPN 1/23) for sewage treatment at the Site. The applicant will also 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 2.5 m high solid metal fencing will be erected along the site boundary to minimize noise nuisance to the surrounding area. The boundary wall will be installed properly by a licensed contractor to prevent misalignment of walls, to ensure that there is no gap or slit on the boundary wall. In addition, maintenance will be conducted by the applicant on a regular basis.

Minimal Landscape Impact

5.11 No old and valuable tree or protected species has been identified at the Site. Due to proposed hard-paving works for open storage and vehicle circulation purposes, majority of the Site area will be disturbed. The remaining area will be affected by the erection of structures; consequently, all existing trees will be affected, and it is not proposed to retain any of the existing trees at the Site.

Minimal Drainage Impact

- 5.12 The applicant will submit a drainage proposal to mitigate potential drainage impact generated from the proposed development 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 the Drainage Services Department.

Fire Safety Aspect

- 5.13 The applicant will submit a fire service installations (FSIs) proposal to enhance fire safety of the Site. The applicant will implement the proposed FSIs at the Site once the proposal is accepted by the Fire Services Department.

6. CONCLUSION

- 6.1 The current application is intended to facilitate the relocation of affected business premises due to land resumption and to pave way for the development of HSK/HT NDA. Planning approvals with policy support have been previously granted to relocate several tenants' business premises from Hung Shui Kiu to the application sites of the approved S.16 planning applications (No. A/YL-HTF/1133 and 1166) (**Plan 4**). However, a portion of the open storage site originally designated to tenant A was excluded due to land administrative issues, resulting in the reduction of usable site area.
- 6.2 The current application would compensate for the reduced site area for the tenant's relocated operation, which were excluded from the application site of the application No. A/YL-HTF/1166 (**Plan 4**). Since the applied use is the same as the affected business premises, approval of the application could facilitate relocation prior to land resumption, thereby minimize the impact on the implementation programme of the development of HSK/HT NDA.
- 6.3 Although the Site is not in line with the long-term planning intention of the "AGR" zone, the Site is currently vacant without active agricultural activities. Hence, approval of the application on a temporary basis would not frustrate the long-term planning intention of "AGR" zone and better utilize deserted land in the New Territories. The Site is also surrounded by unused/vacant land, open storage yards and temporary structures for storage use, and is closely connected to nearby road network; the proposed development is considered not incompatible with the surrounding areas.
- 6.4 Despite to the fact that the Site falls within Category 3 area of the *TPB PG-No. 13G*, given that the application's special background to facilitate the development of HSK/HT NDA, approval of the application would not set an undesirable precedent within the "AGR" zone and Category 3 area, and should be considered on its own merits.
- 6.5 The proposed development will not create significant nuisance to surrounding areas. Adequate mitigation measures will be provided, i.e. submission of drainage, 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 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 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**'.

R-riches Property Consultants Limited
August 2024