
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,**

**LOT 1439 (PART) IN D.D. 118
TAI TONG, YUEN LONG, NEW TERRITORIES**

PLANNING STATEMENT

Applicant

Yau Tin Pot Cuisine 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 1439 (Part) in D.D. 118, Tai Tong, Yuen Long, New Territories* (the Site) for **'Proposed Temporary Warehouse (Excluding Dangerous Goods Godown (D.G.G.)) 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 Tai Tong Outline Zoning Plan (OZP) No.: S/YL-TT/20. The Site occupies an area of 476 m² (about). One single-storey structure is proposed at the Site for warehouse (excluding D.G.G.), site office and washroom with total GFA of 228 m² (about). The remaining area is reserved for vehicle parking and circulation space.
- The Site is accessible from Tai Shu Ha Road West via a local access. The operation hours of the proposed development are Monday to Saturday from 09:00 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 public housing development near Shap Pat Heung, Yuen Long;
 - the applicant has 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 will not frustrate the long-term planning intention of the "AGR" zone.
- Details of development parameters are as follows:

Application Site Area	476 m ² (about)
Covered Area	228 m ² (about)
Uncovered Area	248 m ² (about)
Plot Ratio	
	0.48 (about)
Site Coverage	
	48% (about)
Number of Structure	
	1
Total GFA	
- Domestic GFA	Not applicable
- Non-Domestic GFA	228 m ² (about)
Building Height	
	4.5 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大棠丈量約份第 118 約地段第 1439 號(部分)的規劃申請，於上述地點作「擬議臨時貨倉(危險品倉庫除外)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《大棠分區計劃大綱核准圖編號 S/YL-TT/20》上劃為「農業」地帶。申請地盤面積為 476 平方米(約)。申請地點將設有 1 座單層構築物作貨倉(危險品倉庫除外)、場地辦公室及洗手間用途，構築物的總樓面面積合共為 228 平方米(約)，申請地點的其餘地方將預留作流轉空間。
- 申請地點可從大樹下西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九時至下午七時，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「元朗十八鄉公營房屋發展計劃」收地影響；
 - 申請人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：	476 平方米(約)
上蓋總面積：	228 平方米(約)
露天地方面積：	248 平方米(約)
地積比率：	0.48 (約)
上蓋覆蓋率：	48% (約)
樓宇數目：	1 座
總樓面面積	228 平方米(約)
住用總樓面面積：	不適用
非住用總樓面面積：	228 平方米(約)
構築物高度：	4.5 米(約)
構築物層數：	1 層

1. INTRODUCTION

Background

- 1.1 **R-riches Property Consultants Limited** has been commissioned by **Yau Tin Pot Cuisine Limited** (the applicant) to make submission on their behalf to the Board under S.16 of the Ordinance in respect to *Lot 1439 (Part) in D.D. 118, Tai Tong, Yuen Long, New Territories* (the Site) (**Plans 1 to 3**).
- 1.2 The applicant would like 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 proposed development). The Site currently falls within an area zoned "Agriculture" ("AGR") on the Approved Tai Tong Outline Zoning Plan (OZP) No.: S/YL-TT/20 (**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 11** and **Appendices I to II**). Assessments to mitigate potential adverse impacts will be submitted, if required, at a later stage for the consideration of relevant government bureau/departments and members of the Board.

2. JUSTIFICATIONS

To facilitate the relocation of the applicant's business premises affected by the public housing development at Shap Pat Heung, Yuen Long

- 2.1 The current application is intended to facilitate the relocation of the applicant's affected business premises in Shap Pat Heung (*i.e. Lot 5189 (Part) in D.D. 116, Shap Pat Heung, Yuen Long, New Territories*) due to land resumption and to pave way for the public housing development at Shap Pat Heung, Yuen Long (**Appendix I** and **Plan 4**). The applicant's business premises is expected to be vacated by early-2025.
- 2.2 The applicant is a pot cuisine (poon choi) provider which has been serving the community for decades in the New Territories. The applicant has been using the affected premises for storage of miscellaneous goods, e.g. tables and chairs, electrical appliance, kitchenry, cutlery, etc., to support the daily operation of the applicant's business.
- 2.3 The affected premises currently falls within an area zoned "Residential (Group A)1" ("R(A)1") on the Approved Tai Tong OZP No.: S/YL-TT/20 (**Plan 5**). According to the implementation programme, the applicant's affected premises falls within the land resumption limit for the public housing at Shap Pat Heung, Yuen Long (**Plan 6**). Therefore, the applicant desperately needs to identify a suitable site to relocate its business operation.

Applicant's effort in identifying suitable site for relocation

- 2.4 Whilst the applicant has spent effort to relocate the affected 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 or accessibility (**Appendix II** and **Plan 7**). After a lengthy site searching process, the Site was identified for relocation as it is relatively flat, in close proximity to the original premises and easily accessible.

Applied Use Is the Same as the Affected Business in Shap Pat Heung

- 2.5 The proposed development involves the operation of a warehouse for storage of miscellaneous goods with ancillary facilities to support the daily operation of the applicant's business. The applied use is the same as the affected premises in Shap Pat Heung. Details of the original premises are shown at **Table 1** below.

Table 1: Differences between the Original Premises and the Site

	Original Premises (a)	The Site (b)	Difference (a) – (b)
Site Area	1,128 m ²	476 m ²	-652 m ² , -58%
Covered Area	416 m ²	228 m ²	-188 m ² , -45%
GFA	416 m ²	228 m ²	-188 m ² , -45%

2.6 The Site is designated for storage of miscellaneous goods and vehicle parking and circulation area, in order to support the daily operation of the applicant's pot cuisine business. Circulation space is reserved at the Site in order to increase the Site's overall efficiency, as well as to minimize the potential adverse traffic impacts to the surrounding road network.

Approval of the application would not frustrate the long-term planning intention of the "AGR" zone

2.7 Although the Site falls within area zoned "AGR" on the Approved Tai Tong OZP No.: S/YL-TT/20, 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.

2.8 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 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

2.9 The surrounding areas of the Site are considered to be predominately in semi-rural character comprising unused/vacant land and some temporary structures for various brownfield uses. 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 approximately 70 m west of Tai Shu Ha Road West; 3.5 km south of Yuen Long MTR Station; 6 km southeast of Tin Shui Wai MTR Station; and 3 km south of the original premises in Shap Pat Heung.

Accessibility

- 3.2 The Site is accessible from Tai Shu Ha Road West via a local access (**Plan 1**).

Existing Site Condition

- 3.3 The Site is currently vacant and generally flat (**Plans 1, 3 and 8**).

Surrounding Area

- 3.4 The Site is mainly surrounded by unused/vacant land, open storage yards and temporary structures for warehouse and workshop (**Plans 1, 3 and 8**).
- 3.5 To its immediate north is the site of an approved planning application for workshop (No. A/YL-TT/583) use. To its further north are unused/vacant land and sites of approved planning application for warehouse (No. A/YL-TT/583) and open storage (No. A/YL-TT/642) uses.
- 3.6 To its immediate east is unused land covered with vegetation.
- 3.7 To its immediate south are some vacant land and graves. To its further south are the site of an approved animal boarding establishment (No. A/YL-TT/589), unused land covered with vegetation, graves and burial urns.
- 3.8 To its immediate west is the site of an approved planning application (No. A/YL-TT/648) for the same applied use and Tai Shu Ha Road West, across which are some vacant land, plant nursery and the site of an approved dog kennel (No. A/YL-TT/551).

4. PLANNING CONTEXT

Zoning of the Site

- 4.1 The Site falls within an area zoned "AGR" on the Approved Tai Tong OZP No.: S/YL-TT/20 (**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 Tai Tong OZP No.: S/YL-TT/12 without the permission from the Board under S.16 of the Ordinance.

Previous Application

- 4.4 The Site is not subject of any previous application.

Similar Application

- 4.5 There are 4 similar applications (Nos. A/YL-TT/575, 608, 642 and 648) for 'warehouse' use within the same "AGR" zone approved by the Board between 2022 and 2024.

Land Status of the Site

- 4.6 The Site consists of Lot 1439 (Part) in D.D. 118, with private land area of 476 m² (about) of Old Schedule Lots held under Block Government Lease (**Plan 3**). Given that there is restriction on the erection of structures without the prior approval from the Government, the applicant will submit applications for Short Term Waiver (STW) to the Lands Department (LandsD) to make way for the erection of the proposed structure at the Site 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 476 m² (about). Details of development parameters are shown at **Table 2** below.

Table 2: Development Parameters of the Proposed Development

Application Site Area	476 m ² (about)
Covered Area	228 m ² (about)
Uncovered Area	248 m ² (about)
Plot Ratio	
	0.48 (about)
Site Coverage	
	48% (about)
Number of Structure	
	1
Total GFA	
- Domestic GFA	Not applicable
- Non-Domestic GFA	228 m ² (about)
Building Height	
	4.5 m (about)
No. of Storey	
	1

5.2 One single-storey structure is proposed at the Site for warehouse (excluding D.G.G.), site office and washroom uses with total GFA of 248 m² (about), the remaining open area is reserved for vehicle parking and circulation space (**Plan 9**). Details of the structure are shown at **Table 3** below.

Table 3: Details of Proposed Structures

Structure	Use	Covered Area	GFA	Building Height
B1	Warehouse (excluding D.G.G.), site office and washroom	228 m ²	228 m ²	4.5 m (about) (1-storey)
Total		228 m² (about)	228 m² (about)	-

Hard-paving at the Site

5.3 The Site is proposed to be entirely hard-paved with concrete of about 0.2 m in depth for site formation of structure, vehicle parking and circulation space (**Plan 10**). As the Site is currently of soiled ground, concrete site formation is required to provide a relatively flat and solid surface. Hence, hard-paving 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 storage of miscellaneous goods, e.g. tables and chairs, electrical appliance, kitchenry, cutlery, etc., for the applicant's pot cuisine business, which is the same as the applicant's original premises. Operation hours are Monday to Saturday from 09:00 to 19:00. There is no operation on Sundays and public holidays.
- 5.5 It is estimated that the Site would be able to accommodate not more than 2 staff. The ancillary facilities (i.e. site office, washroom etc.) are intended to provide indoor workspace for administrative staff to support the daily operation of the Site. As no shopfront is proposed at the Site, visitor is not anticipated at the Site. The proposed development is solely for warehouse purpose, no cooking or food processing procedures will take place at the Site.

Minimal Traffic Impact

- 5.6 The Site is accessible from Tai Shu Ha Road West via a local access (**Plan 1**). A 6 m (about) wide ingress/egress is provided at the southwestern part of the Site (**Plan 9**). A total of 2 parking and loading/unloading (L/UL) spaces are proposed at the Site for the daily operation of the proposed development. Details of parking and L/UL space provision are shown at **Table 4** below:

Table 4 – Parking and L/UL Provision

Type of Space	No. of Space
Parking space for Private Car - 2.5 m (W) x 5 m (L)	1
L/UL space for Light Goods Vehicle (LGV) - 3.5 m (W) x 7 m (L)	1

- 5.7 Sufficient space is provided for vehicles 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 11**). Staff will be deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicles to enhance pedestrian safety. The breakdown of estimated trip generation and attraction of 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
	Private Car		LGV		
	In	Out	In	Out	
Trips at <u>AM peak</u> per hour (09:00 – 10:00)	1	1	1	1	4
Trips at <u>PM peak</u> per hour (18:00 – 19:00)	1	1	1	1	4
Traffic trip per hour (average)	1	1	1	1	4

- 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 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 During the construction stage, the applicant will follow the good practices stated in *Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 2/23* to minimize the impact on the nearby watercourse water quality. Surface run-off from the construction phase will 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, and the location of portable toilets are located away from the watercourse in the vicinity.
- 5.12 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

5.13 No old and valuable tree or protected species has been identified at the Site. Due to proposed hard-paving works for vehicle circulation purpose, 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

5.14 There is a 3 m setback from the existing nullah located to the east of the Site. 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

5.15 The applicant will submit a fire service installations (FSIs) proposal for the consideration of the Director of Fire Services to enhance fire safety of the Site. Upon receiving STW approval from the LandsD for erection of the proposed structure, the applicant will proceed to implement the accepted FSIs proposal at the Site.

6. CONCLUSION

- 6.1 The current application is intended to facilitate the relocation of the applicant's business premises in Shap Pat Heung, which will be affected by the public housing development at Shap Pat Heung, Yuen Long (**Plans 4 to 6**). Whilst the applicant attempted to relocate the 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 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 public housing development.
- 6.2 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. Similar applications for the same applied use have been approved by the Board within the same "AGR" zone. 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.
- 6.3 The Site is surrounded by unused/vacant land, sites occupied by temporary structures for various uses, and is closely connected to nearby public road network; the proposed development is considered not incompatible with the surrounding areas. 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. Given that similar applications for the same applied use have been approved by the Board within the same "AGR" zone, therefore, approval of the current application would not set an undesirable precedent within the "AGR" zone.
- 6.4 The proposed development will not create significant nuisance to the 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 also 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 Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land**'.