

RNTPC Paper No. A/YL-KTS/875
For Consideration by
the Rural and New Town
Planning Committee
on 26.2.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-KTS/875

- Applicant** : Hang Tone Drainage Engineering Ltd. represented by Top Bright Consultants Ltd.
- Site** : Lot 455 RP (Part) in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long, New Territories
- Site Area** : About 1,650m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) [Maximum plot ratio of 0.4 and maximum building height of 3 storeys (9m)]
- Application** : Temporary Site Office and Service Depot for Drainage and Sewerage Works for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application Site (the Site) for temporary site office and service depot for drainage and sewerage works for a period of 3 years. The Site is zoned “OU(RU)” on the Kam Tin South OZP and the applied use is neither a Column 1 nor Column 2 use. According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without planning permission (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is the subject of a previous application for the same applied use submitted by same applicant, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2018. The planning permission was revoked in 2020 due to non-compliance of approval condition on implementation of fire service installations (FSIs) proposal.

- 1.3 According to the applicant, the Site comprises of 2 portions (i.e. northern and southern portions) which is separated by a local track. The northern portion includes a 2-storey (6m high) temporary structure for site office, parking, pantry and washroom, as well as a canopy for staff parking and fire service pump room and water tank. The southern portion includes a canopy area (5 to 5.5m high) covering 6 one to two-storey container-converted structures for site office and ancillary storage of equipment and tools, 2 two-storey storerooms (5m high) for tools/equipment and a meter room. The total floor area of the structures is about 878 m². There are a total of 9 parking spaces (7 for private cars, 1 for light goods vehicle and 1 for medium goods vehicle). According to the applicant, no cleaning or workshop activities will be carried out on Site. No vehicles exceeding 24 tonnes will enter the Site. The operation hours are from 7 a.m. to 7 p.m. on Mondays to Saturdays and there is no operation on Sundays and public holidays. The Site is accessible via a local track leading to Kam Sheung Road. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.4 Compared with the last approved application No. A/YL-KTS/754, the current application is for the same applied use submitted by the same applicant, with similar layout and a slightly larger site area from 1,639m² to 1,650m² (+11m² / +0.7%), reduction of floor area (from 1,144m² to 878m² (-266m² / -23%)), and addition of 5 parking spaces for private cars.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with supplementary statement and plans received on 30.12.2020 **(Appendix I)**
 - (b) Further Information (FI) received on 8.2.2021 in response to departmental comments **(Appendix Ia)**
(exempted from publication requirement)
 - (c) FI received on 11.2.2021 in response to departmental comments **(Appendix Ib)**
(exempted from publication requirement)
 - (d) FI received on 18.2.2021 in response to departmental comments **(Appendix Ic)**
(exempted from publication requirement)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in supplementary statement and FIs in **Appendices I to Ic**. They can be summarized as follows:

- (a) The applicant was established in 2007 as a specialist contractor who offers all aspects of drainage and sewerage works for public works and private sectors. The

applicant has about 20 projects with various Government departments and private sectors to conduct rehabilitation works for different drainage and sewerage infrastructure in Hong Kong. The applied use facilitates the various on-going projects in the New Territories and meets the demand for such special service in Hong Kong.

- (b) The Site is an ideal location for the applied use as it is served by Kam Sheung Road without passing through village houses. There is no alternative location that the applicant could find to meet the operational need of the applied use.
- (c) Approval of the application will not contravene the planning intention of “OU(RU)” zone. The development is compatible with surrounding land uses and maximizes the use of abandoned land. It is anticipated that the potential environmental, visual, traffic and drainage impacts caused by the applied use are insignificant.
- (d) Except the provision of FSIs, all the approval conditions of the last approved application have been complied. The reason for the prolonged delay of the implementation of the FSIs is mainly due to the time required for application of water meter from the Water Services Department and the installation of plumbing system. The applicant commits to comply with all the approval conditions should the current application be approved.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by posting site notice and sending notification letter to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Member’s inspection.

4. Town Planning Board Guidelines

Town Planning Board Guidelines for “Designation of “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) Zone and Application For Development Within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance” (TPB PG-No. 38) is relevant to the application. The relevant assessment criteria are summarized as follows:

Application for development within “OU(RU)” zone would need to demonstrate that the proposed development is in line with the planning intention of the zone and will not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings and will not overstrain the capacity of existing and planned infrastructure such as transport, drainage, sewerage and water supply in the area. Each development proposal will be assessed on its

individual merits, with particular reference to its sustainability in ecological, environmental and infrastructural terms.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Application

The Site is the subject of a previous application (No. A/YL-KTS/754) for temporary site office and service depot for drainage and sewerage works submitted by the same applicant. The application was approved with conditions by the Committee in 2018 mainly for the reasons that the proposed use would not jeopardize the long-term planning intention of the “OU(RU)” zone; it was compatible with the surrounding land uses; and the departmental concerns could be addressed by approval conditions. Approval conditions on the submission and implementation of landscape and drainage proposals and submission of FSIs proposal have been complied with. However, the planning permission was revoked on 27.6.2020 due to non-compliance of approval condition on implementation of FSIs proposal. Details of the application are summarized in **Appendix II** and its location is shown on **Plan A-1b**.

7. Similar Application

There is no similar application for temporary site office and service depot akin to storage/warehouses use within the same “OU(RU)” zone.

8. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

8.1 The Site is:

- (a) currently paved and fenced off;
- (b) currently occupied by the applied use without planning permission; and
- (c) accessible via a local track leading to Kam Sheung Road.

8.2 The surrounding areas are rural in character intermixed with open storage / storage yards, warehouses, workshops, residential structures / dwellings, fallow agricultural land and vacant / unused land:

- (a) to its north are residential structures/ dwellings, warehouses, open storage yards and vacant/unused land;
- (b) to its immediate west are residential structures/ dwellings. To its further west are open storage / storage yards, vacant/unused land and fallow

agriculture land;

- (c) to its south are open storage yard and warehouse; and
- (d) to its east across Kam Sheung Road are open storage yards, workshops, warehouse, residential structures/ dwellings, fallow agriculture land and vacant/unused land.

9. Planning Intention

The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

10. Comments from Relevant Government Departments

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

Land Administration

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
 - (a) The Site comprises an 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) Should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on the 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. Applications for any of the above will be considered by LandsD acting in the capacity as 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 rent or fee, as may be imposed by LandsD.

Traffic

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

- (a) He has no comment on the application from the traffic engineering point of view.
- (b) Should the application be approved, approval condition on no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period should be included.
- (c) The Site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly.

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

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Kam Sheung Road.
- (b) If the proposed run-in is agreed by TD, the applicant should provide the run in/out at Kam Sheung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.
- (c) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

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

- (a) There was no environmental complaints concerning the Site received in the past 3 years.
- (b) In accordance with the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP), he does not support the application as there are sensitive receivers, i.e. residential dwellings/ structures in the vicinity of the Site (with the nearest on the immediate west)

(Plan A-2) and the applied use involved the use of heavy vehicles, thus environmental nuisance is expected.

- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirement in the latest COP issued by DEP.

Landscape

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

- (a) She has no objection to the application from landscape planning perspective.
- (b) Based on the aerial photo of 2020, the Site is situated in an area of miscellaneous rural fringe landscape character composed of scattered tree groups, temporary structures and open storages. According to site photo dated 25.1.2021, the Site is hard paved and 9 nos. of trees planted under the approved landscape proposal of previous application (No. A/YL-KTS/754) are found within the Site. The development is considered not incompatible to the existing landscape character of the area.
- (c) With reference to the submitted supplementary statement, the planted trees are not in conflict with the proposed layout and the trees will be preserved by the applicant. Significant adverse impact on existing landscape resources arising from the development within the Site is not anticipated.
- (d) An approval condition on maintenance of all existing trees within the Site satisfactorily at all times during the approval period should be included.
- (e) The applicant is reminded that approval of the application does not imply approval of tree works such as pruning, transplanting and felling under lease. Tree removal applications should be submitted direct to DLO for approval. During site inspection on 25.1.2021, storage of materials and tools around the trees are observed. The applicant is reminded to remove the materials and tools around the trees to maintain good health of the trees.

Nature Conservation

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

Noting that the Site has been paved and the previous application for the same use was approved by the Committee, he has no comment on the application from nature conservation perspective.

Drainage

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

- (a) He has no in-principle objection to the development.
- (b) Based on the submitted supplementary statement, apparently the applicant would maintain the same drainage facilities as those implemented under previous application No. A/YL-KTS/754.
- (c) Should the application be approved, approval conditions on the maintenance of the drainage facilities implemented under application No. A/YL-KTS/754 and submission of record of the existing drainage facilities on-site should be included in the planning permission.

Fire Safety

10.1.8 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 (FSIs) being provided to his satisfaction.
- (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. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Water Supply

10.1.9 Comments of of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). The developer shall bear the cost of any necessary diversion works affected by the development.
- (c) In case it is not feasible to divert the affected water mains within the Site, a waterworks reserve within 1.5 metres from the centerline of the water mains shown on **Plan A-2** shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes.
- (d) The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize.
- (e) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (c) His detailed comments on UBW, provision of access, temporary or licenced structures are at **Appendix IV**.
- (d) Detailed checking under the BO will be carried out at building plan submission stage.

District Officer's Comments

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

He has not received any comment from the locals upon close of consultation and he has no particular comment on the application.

10.2 The following Government departments have no comment on to the application:

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Director of Electrical and Mechanical Services; and
- (c) Commissioner of Police.

11. Public Comment Received During Statutory Publication Period

On 12.1.2021, the application was published for public inspection. During the three-week statutory publication period, one public comment was received from an individual (**Appendix III**), objecting to the application mainly on the grounds that the applied use will increase traffic flow resulting in traffic congestion, environmental pollution, increase fire hazard risk and affect safety and living quality of the villagers.

12. Planning Considerations and Assessments

12.1 The application is for temporary site office and service depot for drainage and sewerage works for a period of 3 years at "OU(RU)" zone. The planning intention of the "OU(RU)" zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. The applied use is not in line with the planning intention of the "OU(RU)" zone. Nevertheless, there is no known programme for long-term development at the Site. It is considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the "OU(RU)" zone.

12.2 The development is considered not incompatible with the surrounding areas, which are rural in character intermixed with open storage yards, residential structures / dwellings and vacant / unused land.

12.3 Relevant departments consulted including C for T, CE/MN of DSD, CTP/UD&L of PlanD and D of FS, except DEP, have no adverse comment on the application. DEP does not support the application as there are sensitive receivers, i.e. residential dwellings in the vicinity of the Site (with the nearest on the immediate west), and the development involve the use of heavy vehicles, thus environmental nuisance is expected. Nevertheless, the Site can be accessed to Kam Sheung Road

via a local track without passing through residential dwellings. No environmental complaint was received by DEP in the past 3 years. The applicant also stated that no cleaning or workshop activities will be carried out on the Site. The concern of DEP on possible environmental nuisance to surrounding areas could be addressed through the incorporation of approval conditions restricting the operating hours, prohibiting heavy goods vehicles and workshop activities in paragraph 13.2 (a) to (d) below. The applicant will also be advised to follow the latest COP. The technical requirements of C for T, CHE/NTW, HyD CE/MN of DSD, CTP/UD&L of PlanD and D of FS can be addressed by imposing the approval conditions recommended in paragraphs 13.2 (e) to (m) below.

- 12.4 The Site is subject to a previous application for the same applied use submitted by the same applicant, which was approved with conditions by the Committee in 2018. Approval conditions on the submission and implementation of landscape and drainage proposals and submission of FSIs proposal have been complied with. However, the planning permission was revoked in 2020 due to non-compliance with approval condition on implementation of FSIs proposal in view of the delay in installation of plumbing system. The applicant claimed that the FSI could be implemented as soon as the current application is approved. Compared with the last approved application No. A/YL-KTS/875, the current application is subject to a similar layout and scale. There is no major change in planning circumstance since the last approval. Hence, it is considered that sympathetic consideration could be given to the current application. Shorter compliance periods are recommended to monitor the progress of compliance of approval conditions should the Committee decide to approve the current application. Moreover, the applicant will be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.5 One public comment was received during the statutory publication period, objecting to the application as stated in paragraph 11 above. In this regard, relevant Government departments' comments as well as planning assessments and considerations as stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary site office and service depot for drainage and sewerage works could be tolerated for a period of 3 years.
- 13.2 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 3 years until 26.2.2024. The following conditions of approval with shorter compliance period and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the maintenance of all existing trees within the site satisfactorily at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a run-in/out proposal at Kam Sheung Road within 3 months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the TPB by 26.5.2021;
- (i) in relation to (h) above, the implementation of the run-in/out proposal at Kam Sheung Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the TPB by 26.8.2021;
- (j) the submission of a record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.5.2021;
- (k) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.5.2021;
- (l) in relation to (k) above, the implementation of the 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 26.8.2021;

- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) 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.

Advisory Clauses

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

- 13.3 Alternative, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "OU(RU)" zone, which is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form with supplementary statement and plans received on 30.12.2020
Appendix Ia	FI received on 8.2.2021
Appendix Ib	FI received on 11.2.2021
Appendix Ic	FI received on 18.2.2021
Appendix II	Previous s.16 application covering the Site
Appendix III	Public comment received during the statutory publication period
Appendix IV	Advisory Clauses
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2021**