

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTY Y/360

- Applicant** : Pok Oi Hospital represented by Lanbase Surveyors Limited
- Site** : Lots 1059 S.A, 1059 S.B, 1059 S.C, 1059 S.D, 1059 S.E and 1059 RP in D.D. 130, Lam Tei, Tuen Mun, New Territories
- Site Area** : About 735m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/9
(at the time of submission of application)
- Approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/10
(currently in force)
- Zoning** : “Residential (Group C)” (“R(C)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]
- Application** : Proposed Temporary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for the proposed temporary office for a period of 3 years (**Plan A-1**). The Site is currently vacant and overgrown with weeds.
- 1.2 According to the Notes for “R(C)” zone on the OZP, ‘Office’ is neither a Column 1 nor Column 2 use. However, the covering Notes of the OZP stipulate that temporary use or development of any land or building not exceeding a period of 3 years requires permission from the Town Planning Board (the Board). The applicant currently seeks temporary permission for a period of 3 years.
- 1.3 According to the applicant, the Site is accessible from Fuk Hang Tsuen Road via the proposed Pok Oi Lam Tei Elderly Home development site to the north of the Site. About 15 no. of project staff to support the construction of the proposed Pok Oi Lam Tei Elderly Home development site and about 15 no. of project staff including registered doctors and nurses for providing daily outbound medical services and administrative staff to support the Social Welfare Department (SWD)’s subvented “Visiting Medical Practitioners Service (VMPS) for

Residential Care Homes” project would station at the proposed temporary office. Meeting rooms for more than 20 persons would also be provided for holding regular meetings. 4 toilet cubicles will be installed inside the container office and septic tanks and soakaway pits will be provided underground. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers will be parked/stored on or enter/exit the Site and no dismantling, repairing, cleansing, paint-spraying and other workshop activities will be carried out on the Site.

1.4 The major development parameters of the current application are as follows:

Site Area	735m ² (about)
Total Floor Area (Non-domestic)	355.68m ²
No. of Structures (Non-domestic)	8 (i.e. 6 container structures (6.1m x 2.4m) for offices, 2 open sheds (12m x 7m))
Height of Structures	Offices: 6 nos.; 2 storeys (5.2m) Open Sheds: 2 nos.; Single storey (4m)
Parking Spaces	7 for Private Car (5m x 2.5m) 1 for Light Bus (8m x 3m)
Operation Hours	8:00 a.m. to 7:00 p.m. (No operation on Sundays and Public Holidays)

1.5 The site plan and the proposed layout plan submitted by the applicant are shown in **Drawings A-1 and A-2** respectively.

1.6 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 24.10.2018 **(Appendix I)**
- (b) Supplementary Planning Statement with site plan and proposed layout plan **(Appendix Ia)**
- (c) Letter dated 30.11.2018 providing response to departmental comments and minor clarifications on the details about the operation of the proposed temporary office **(Appendix Ib)**
(accepted and exempted from publication and recounting requirements)
- (d) Letter dated 4.12.2018 providing response to departmental comments and minor clarifications on the planning justifications and the operation of the proposed temporary office **(Appendix 1c)**
(accepted and exempted from publication and recounting requirements)
- (e) Letter dated 6.12.2018 providing response to departmental comments **(Appendix 1d)**
(accepted and exempted from publication and recounting requirements)

- (f) Letter dated 12.12.2018 providing minor clarifications **(Appendix 1e)** on the planning justifications *(accepted and exempted from publication and recounting requirements)*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices 1a, 1b, 1c and 1e**. They can be summarised as follows:

- (a) The proposed temporary office is to support the construction of the proposed Pok Oi Lam Tei Elderly Home development site and the Social Welfare Department (SWD)'s subverted "VMPS for Residential Care Homes". There is a lack of office space at the Pok Oi Hospital (POH) Headquarters to accommodate additional staff for supporting the projects.
- (b) As it is necessary to vacant the proposed Pok Oi Lam Tei Elderly Home development site for site formation and allow the appointed contractors to have more flexibility in construction site planning, the temporary site office is proposed at the Site instead of the proposed Pok Oi Lam Tei Elderly Home development site inside.
- (c) POH is a designated service provider of the "VMPS for Residential Care Homes" to provide medical consultation and treatment services for residential care homes for the elderly and residential care homes for persons with disabilities in the New Territories West Cluster (Tuen Mun and Yuen Long). The proposed temporary office would provide administrative support, such as logistic support and staff arrangement, to the VMPS. No medical service will be provided at the Site.
- (d) The proposed temporary office would only provide supporting work to the SWD's subverted "VMPS for Residential Care Homes" project for a time-defined period stipulated in the funding and service agreement (FSA). If POH (i) would consider applying the next FSA when VMPS becomes a regular subverted service; and (ii) being awarded as one of the service operators to continuously provide the VMPS by the funding authority, POH would look for a permanent office instead of a temporary office to support the VMPS.
- (e) The proposed temporary office would only operate for a short period of time in order to support the above-mentioned projects. Therefore, the proposed temporary office would not contravene the long term planning intention of the "R(C)" zone.
- (f) Previous planning permission for a similar use near the Site was granted under application No. A/TM-LTY Y/240¹ for a temporary office with ancillary car park for private cars and light goods vehicles and access road for a period of 3 years.

¹ Application site of application No. A/TM-LTY Y/240 for temporary office with ancillary car park for private cars and light goods vehicles and access road for a period of 3 years was approved by the Committee on 5.10.2012 (revoked on 5.7.2014). It is located to the north of the Site. It was zoned "R(C)" on the then approved Lam Tei and Yick Yuen OZP No. S/TM-LTY Y/6 and is zoned "G/IC(1)" on the OZP currently in force.

- (g) The Site is located at the immediate south of proposed Pok Oi Lam Tei Elderly Home development site, immediate north of the existing Lam Tei Gospel Church and immediate east of an existing open storage. The proposed temporary office is considered compatible with the surrounding land uses.
- (h) The proposed temporary office would not involve any construction activities. No adverse traffic, drainage and environmental impacts are anticipated.
- (i) The proposed temporary office is temporary in nature and no construction works would be carried in daily operation, no adverse land use interface problem with the surrounding environment and the future development of the Pok Oi Lam Tei Elderly Home is anticipated.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the same “R(C)” zone on the OZP.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) currently vacant and overgrown with weeds; and
- (b) accessible from Fuk Hang Tsuen Road via the proposed Pok Oi Lam Tei Elderly Home development site to the north of the Site (**Plan A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north of the Site is the proposed Pok Oi Lam Tei Elderly Home development site. It is currently vacant and partly paved;
- (b) to the east and southeast of the Site is an area mixed with residential dwellings, fallow agricultural land, unused and vacant land and land for open storage, which are suspected unauthorised developments (UDs);
- (c) to the immediate south of the Site is the existing Lam Tei Gospel Church. To the further southwest is a temporary public vehicle park (private cars only) covered by valid planning permission (No. A/TM-LTY/349); and

- (d) to the west of the Site is an area mixed with residential dwellings, vacant land, parking of vehicles and structures for storage use, which are suspected UDs.

8. Planning Intention

The “R(C)” zone is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

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

Land Administration

- 9.1.1 Comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD):

- (a) The Site falls within Lot Nos. 1059 S.A, 1059 S.B, 1059 S.C, 1059 S.D, 1059 S.E and 1059 RP in D.D. 130. Lot No. 1059 in D.D. 130 is an Old Schedule Lot held under Block Government Lease (“BGL”) which contains the restriction that no structures are allowed to be erected without the prior approval of the government. The application proposes to erect six container structures and two open sheds on the Site for temporary office purpose. Such proposal is not allowed under existing lease.
- (b) Site inspection revealed that there were no structures on the Site except some debris. The Site is accessible via a strip of Government land and private lots leading from Fuk Hang Tsuen Road. His office does not or will not carry out maintenance works for the access road nor guarantee that any right-of-way will be given to the Site. The lot owner should liaise with the private land owner to resolve any access issue at his own cost.
- (c) If planning permission is given by the Board, the lot owner may consider submitting a formal application to his office for a Short Term Waiver to permit erection of the proposed structures on the Lots. However, there is no guarantee that the application will be approved and he reserves his rights to take any action as may be appropriate. The application will be considered by LandsD acting in the capacity of the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the government shall deem fit to do so, including charging of waiver fee, deposit and administration fee etc.
- (d) Notwithstanding the above, his office reserves right to take enforcement actions as considered appropriate against any

unauthorised erection/extensions/alterations of structures on the Site or any unauthorised occupation of Government land irrespective of whether planning permission will be given or not.

Building Matters

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

- (a) There is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) The applicant's attention is drawn to the following points:
 - (i) If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application.
 - (ii) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person (AP) should be appointed as the coordinator for the proposed building works in accordance with BO.
 - (iii) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be constructed as an acceptance of any existing building works or UBW on the Site under BO.
 - (iv) In connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
 - (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.
 - (vi) Formal submission under BO is required for any proposed new works, including any temporary structures. Detailed comments will be provided at the building plan submission stage.

Traffic

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

He has no comment on the application from the traffic engineering viewpoints.

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

- (a) The proposed access arrangement of the Site should be commented and approved by TD.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (c) The proposed vehicular access from the Site to Fuk Hang Tsuen Road is not and will not be maintained by HyD.

Environment

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

- (a) The applicant is advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP to minimise potential environmental impacts on the surrounding environment.
- (b) Please be advised that public sewer is available at Fuk Hang Tsuen Road. The applicant should investigate the feasibility of connection to the public sewer. If the connection to the public sewer is infeasible or the sewer has no extra capacity, use of septic tank and soakaway (STS) system may be considered for the Site. The STS system should be designed and constructed by following the requirements of the Practice Note for Professional Person (ProPECC) PN 5/93, namely “Drainage Plans subject to Comment by the Environmental Protection Department” and must be duly certified by an Authorised Person.
- (c) There was no environmental complaint pertaining to the Site received in the past 3 years (from 2015 to September 2018).

Drainage

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

- (a) He has no objection in principle to the application from the public drainage point of view.
- (b) Should the application be approved, a condition should be included to request the application to submit, implement and maintain a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area.

- (c) The applicant should be reminded to incorporate when submitting the draining proposal:
- (i) The applicant should refer to the guidelines as specified in “Technical Note to prepare a Drainage Submission” which is available at DSD’s website (https://www.dsd.gov.hk/EN/Technical_Documents/DS_D_Guidelines/index.html).
 - (ii) The proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For any works to be carried outside his lot boundary, the applicant should consult DLO/TM and seek consent from relevant lot owners before commencement of the drainage works.
 - (iii) The applicant should implement the drainage facilities on site in accordance with the drainage proposal.
 - (iv) The applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system.
 - (v) The proposed development should neither obstruct overland flow nor adversely affect any existing streams, village drains, ditches and the adjacent areas.
 - (vi) EPD should be consulted regarding to sewerage aspects of the proposed development.

Fire Safety

9.1.7 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. In addition, the applicant should also be advised on the following points:
 - (i) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) The location of where the proposed FSI to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

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

The Site is observed to be revegetated by wild shrubs and grasses. Existing trees are observed adjoining the Site along the eastern and western boundary. The Site is situated in an area of urban fringe landscape character. Significant change to the landscape character arising from the application is not envisaged.

Others

9.1.9 Comments of the Director of Social Welfare (DSW):

- (a) Pok Oi Hospital is a subvented non-governmental organisation providing welfare services, which has been selected as one of the service providers for implementing the Visiting Medical Practitioner Service (VMPS) for Residential Care Homes in the New Territories West Cluster (Tuen Mun and Yuen Long) commencing in October 2018. The service provider is responsible for arranging registered medical practitioners who may be pooled from the network of general medical practitioners in the community to provide on-site primary medical care and support to the residents of private and self-financing residential care homes for the elderly and residential care homes for persons with disabilities in the designated cluster.
- (b) As the VMPS is aimed at providing on-site medical care and support to residential care homes, he does not provide premises to the service operator in delivering the service. The service operator is responsible for providing appropriate premises, furniture and equipment, if any, at its own costs in delivering the service.
- (c) He has no adverse comment on the application, on condition that it does not incur any additional cost or financial implications to the Government.

9.1.10 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) and the Chief Town Planner/Housing and Office Land Supply, Planning Department (CTP/HOLS, PlanD)

The Site falls within the Study Site of the on-going Preliminary Land Use Study for Lam Tei Quarry and the Adjoining Areas (the Study) jointly commissioned by CEDD and PlanD. They have no specific comment on the application as far as the Study is concerned.

District Officer's Comments

9.1.11 Comments of the District Officer (Tuen Mun), Home Affairs Department (DO(TM), HAD):

He has distributed consultation letters to the locals concerned and understand that they would provide their comments (if any) to the Board direct. He has no further comment.

9.2 The following government departments have no comment on the application:

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Director of Food and Environmental Hygiene (DFEH);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Agriculture, Fisheries and Conservation (DAFC);
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Executive Secretary (Antiquities and Monuments), Antiquities and Monuments Office (ES (A&M), AMO);
- (g) Commissioner of Police (C of P).

10. Public Comment Received During Statutory Publication Period

On 2.11.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 23.11.2018, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The Site falls within an area zoned "R(C)" which is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. The proposed temporary office is not entirely in line with the planning intention of "R(C)" zone. However, there is no permanent development at the Site. Approval of the application on a temporary basis for a period of 3 years would not jeopardise the long-term planning intention of the "R(C)" zone.
- 11.2 The Site is in an area mixed with residential structures, fallow agricultural land, unused and vacant land, land for parking of vehicles and structures for storage use. The proposed development is considered not incompatible with the surrounding land uses.
- 11.3 Relevant government departments, including C for T, CHE/NTW of HyD, CE/MN of DSD, CTP/UD&L of PlanD, DEP and D of FS have no objection or no adverse comment on the application. The proposed development will unlikely create significant adverse traffic, drainage and environmental impacts to the surrounding areas. There has been no environmental complaint concerning the Site received in the past 3 years. To minimise any potential environmental nuisances and to address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on the Site will be

subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise any potential environmental impact.

11.4 There is no public comment received on the application.

12. Planning Department’s Views

12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the proposed temporary office could be tolerated for a period of 3 years.

12.2 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 21.12.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Condition

- (a) no operation between 7:00 p.m. to 8:00 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no dismantling, repairing, cleansing, paint-spraying and other workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.6.2019;
- (g) in relation to (f) above, the implementation of the drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 21.9.2019;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (i) the submission of a 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 21.6.2019;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 21.9.2019;
- (k) the provision of boundary fencing on the Site within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 21.6.2019;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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
- (m) if any of the above planning conditions (f), (g), (i), (j), or (k) 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 at **Appendix II**.

- 12.3 Alternatively, should the committee decided to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intention of the "R(C)" zone, which is intended primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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 date when the validity of the permission should expire.
- 13.3 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.

14. Attachments

Appendix I	Application Form received on 24.10.2018
Appendix Ia	Supplementary Planning Statement with site plan and proposed layout plan
Appendix Ib	Letter dated 30.11.2018 providing response to departmental comments and minor clarifications on the details about the operation of the proposed temporary office
Appendix Ic	Letter dated 4.12.2018 providing response to departmental comments and minor clarifications on the planning justifications and the operation of the proposed temporary office
Appendix Id	Letter dated 6.12.2018 providing response to departmental comments
Appendix Ie	Letter dated 12.12.2018 providing minor clarifications on the planning justifications
Appendix II	Advisory Clauses
Drawing A-1	Site Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2018**