

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/761

<u>Applicant</u>	: Hip Hing Engineering Company Limited represented by Lanbase Surveyors Limited
<u>Site</u>	: Lots 888 S.E (Part) and 889 S.C (Part) in D.D. 83, Lung Yeuk Tau, Fanling, New Territories
<u>Site Area</u>	: 790 m ² (about)
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/18
<u>Zoning</u>	: “Residential (Group C)” (“R(C)”)
<u>Application</u>	: Temporary Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary site office for a period of 3 years at the application site (the Site) which falls within an area zoned “R(C)” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding for a period of 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use is not provided for under the Notes of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the applicant, the development comprises 11 temporary structures (about 2.62m to 5.24m in height) with a total floor area of about 638.3m² for site office, meeting room, storeroom, toilet and guard room purposes. The site office is to provide administrative support for the post-construction maintenance works of the nearby public housing development at Queen’s Hill. The Site is accessible via Hai Wing Road (**Plan A-2**). The operation hours of the Site are between 8:00 a.m. to 7:00 p.m. on Mondays to Saturdays, and there is no operation on Sundays and public holidays. The plans showing the layout and transport arrangement from/to the Site submitted by the applicant are shown on **Drawings A-1** and **A-2**.

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

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|-----|--|------------------------|
| (a) | Application form with attachments received on 8.2.2022 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 18.2.2022 | (Appendix Ib) |
| (d) | Further Information (FI) received on 18.3.2022 | (Appendix Ic) |
| (e) | FI received on 24.3.2022 | (Appendix Id) |
| (f) | FI received on 19.4.2022 | (Appendix Ie) |

1.4 In light of the special work arrangements for government departments due to COVID-19 pandemic, the meeting originally scheduled for 1.4.2022 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. The application is now scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement, SI and FIs at **Appendices Ia to Ie**, as summarized below:

- (a) the proposed temporary site office is to provide administrative support to the 3-year period post-construction maintenance works of the nearby completed public housing project (i.e., Queen's Hill Estate), and to provide an office area and meeting venue for around 40 staff of the Housing Authority and contractors. No construction works or storage of construction materials would be involved at the Site;
- (b) no vacant land in the vicinity of the public housing site is available, the Site is located at around 250m north of the aforesaid public housing site and would take full advantage of locational convenience;
- (c) the applied use would only be operated for 3 years. The proposed development would not contravene the long-term planning intention of the "R(C)" zone;
- (d) the applied development is not incompatible with the surrounding land uses and environment as it is located to the north of the public housing site;
- (e) no adverse drainage and environmental impacts will be caused by the proposed development; and
- (f) no adverse traffic impact is anticipated from the applied use. The main mode of transport for the staff working at the Site is by shuttle bus or public transport, and the drop-off points of the shuttle bus and public transport are located on Lung Ma Road, and the staff would then walk from the drop-off points to the site office (**Drawing A-2**).

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 notice to the Fanling District Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to any enforcement action.

5. Previous Application

There is no previous planning application at the Site.

6. Similar Application

There is no similar application for temporary site office within the “R(C)” zone on the Lung Yeuk Tau and Kwan Tei South OZP in the vicinity of the Site.

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

7.1 The Site is:

- (a) flat and paved;
- (b) currently occupied by temporary structures used as site office; and
- (c) accessible via Hai Wing Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) to the north across Hai Wing Road are mainly permanent domestic structures of Ma Liu Shui San Tsuen;
- (b) to the immediate northwest are the Sewage Pumping Station, the Electricity Substation at Queen’s Hill and a site office;
- (c) to the immediate west is a church;
- (d) to the immediate south and east are temporary domestic structures and village houses;
- (e) to the further east are a warehouse and a vehicle repair workshop; and
- (f) to the further south is the public housing development at Queen’s Hill.

8. Planning Intention

The planning intention of the “R(C)” zone is 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 Apart from the government department as set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices II** and **III** respectively.

9.2 The following government department has the following comments on the application.

9.2.1 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Chairman, the First Vice-Chairman and the Vice-Chairman of the Fanling District Rural Committee object to the application mainly on the grounds that the applied use would cause environmental nuisances to the nearby residents and adverse traffic impact and threaten the safety of pedestrians, and large number of containers should not be stored on the Site. The incumbent North District Councilor of N18 Constituency, Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Ma Liu Shui San Tsuen and the Chairman of Lung Shan Area Committee did not reply.

10. Public Comments Received During Statutory Publication Period (Appendix IV)

On 22.2.2022, the application was published for public inspection. During the statutory public inspection period, five public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The Chairman, First Vice-Chairman and Vice-Chairman of Fanling District Rural Committee object to the application mainly on the grounds that the applied use would cause environmental nuisances to the nearby residents and adverse traffic impact thus threatening pedestrians' safety, and large number of containers should not be stored on the Site. An individual raises concern on whether there was any previous application approved at the Site.

11. Planning Considerations and Assessments

11.1 The application is for a temporary site office for a period of 3 years at the Site zoned "R(C)" on the OZP. The applied use is not in line with the planning intention of the "R(C)" zone as set out in paragraph 8 above. The applicant indicated that there is no suitable site available within the public housing development for site office use in support of the post-construction maintenance for the housing estates. Given its small scale and temporary nature, approval of the application on a temporary basis would not jeopardize the long-term planning intention of the "R(C)" zone.

11.2 The temporary site office is considered not incompatible with the surrounding land uses, which mainly comprise temporary structures, warehouses, repair workshop and domestic structures (**Plan A-2**). In this regard, CTP/UD&L, PlanD has no objection to the application from landscape point of view as it would unlikely result in adverse landscape impact arising from the use of the Site.

- 11.3 The Site is accessible via Hai Wing Road to Lung Ma Road (**Plans A-1 and A-2**). C for T has no comment on the application from traffic engineering point of view and considers that approval of the planning application will not induce additional adverse traffic impact on the surroundings. The temporary development mainly comprises the enclosed converted containers for office/storeroom uses. Adverse environmental nuisances to the nearby residents are considered insignificant. In this regard, DEP has no objection to the application. Other relevant government departments consulted, including D of FS, DAFC, CE/MN of DSD, CE/C of WSD, and PM(N) of CEDD, have no adverse comments on or objection to the application.
- 11.4 Regarding the local comments conveyed by DO(N) of HAD and public comments on the application as detailed in paragraphs 9.2.1 and 10 above, government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local comments conveyed by DO(N), HAD and public comments as detailed in paragraphs 9.2.1 and 10 above, the Planning Department considers that the temporary use under application 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 6.5.2025. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 7:00 p.m. and 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) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.11.2022;
- (d) in relation to (c) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 6.2.2023;
- (e) the submission of proposals for water supplies for fire-fighting and fire service installations 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 6.11.2022;
- (f) in relation to (e) above, the implementation of proposals for water supplies for fire-fighting and fire service installations 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 6.2.2023;
- (g) if any of the above planning condition (a) or (b) 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

- (h) if any of the above planning conditions (c), (d), (e) or (f) 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 III**.

12.3 Alternatively, should the Committee decide 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 primarily for low-rise, low-density residential developments. 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 the 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 period of which the permission should be valid on a temporary basis.
- 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 with attachments received on 8.2.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 18.2.2022
Appendix Ic	Further Information received on 18.3.2022
Appendix Id	Further Information received on 24.3.2022
Appendix Ie	Further Information received on 19.4.2022
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a & A-4b	Site Photos