

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL  
FOR TEMPORARY USE  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/TM-LTYT/456**

- Applicant** : Construction Industry Council (CIC)
- Site** : Government Land (GL) under Kong Sham Western Highway (KSWH) (next to Wong Kong Wai Road near Fuk Hang Tsuen), Lam Tei, Tuen Mun, New Territories
- Site Area** : About 10,300 m<sup>2</sup>
- Land Status** : GL
- Plan** : Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYT/12
- Zoning** : Area shown as 'Road'
- Application** : Renewal of Planning Approval for Temporary Training Ground (Hong Kong Institute of Construction (HKIC, CIC) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary training ground (HKIC, CIC) for a period of three years (**Plan A-1**). According to the covering Notes of the OZP, temporary training ground in area shown as 'Road' on the OZP requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under application No. A/TM-LTYT/398 until 26.6.2023.
- 1.2 The Site is accessible via Wong Kong Wai Road (**Plan A-2**). According to the applicant, the operation hours of the applied use will be from 8:00 a.m. to 5:00 p.m. from Mondays to Fridays and from 8:00 a.m. to 1:00 p.m. on Saturdays. There is no operation on Sundays and public holidays. The site plan, layout plan with vehicular accesses and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of a previous application (No. A/TM-LTYT/398) approved by the Rural and New Town Planning Committee (the Committee) of the Board on 26.6.2020. Compared with the previous application, the current application is submitted by the same applicant for the same use with the same development parameters and site layout. The major development parameters are summarised as follows:

|                         |   |
|-------------------------|---|
| Site Area               | About 10,300 m <sup>2</sup>   |
| Total Floor Area        | Not more than 1,092m <sup>2</sup>   |
| No. of Structures       | 41 for shelters, toilets, shower rooms, storage, multi-purpose room, office and other supporting and ancillary facilities |
| Maximum Building Height | One storey (not more than 3m)   |
| No. of Parking Spaces   | 10<br>(8 for private cars and 2 for motorcycles)  |

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

- (a) Application form received on 27.4.2023 **(Appendix I)**
- (b) Supplementation Information (SI) received on 5.5.2023 **(Appendix Ia)**
- (c) Further Information (FI) received on 19.5.2023\* **(Appendix Ib)**
- (d) FI received on 30.5.2023\* **(Appendix Ic)**
- (e) FI received on 5.6.2023\* **(Appendix Id)**
- (f) FI received on 16.6.2023\* **(Appendix Ie)**
- (g) FI received on 19.6.2023\* **(Appendix If)**

*[\*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 the Application Form (**Appendix I**). They can be summarised as follows:

- (a) The capacity of CIC's training premises has reached their limits. It is necessary for CIC to continue the training ground operation at the Site to meet the need in construction training for the on-going major infrastructure projects.
- (b) The applied use and layout are identical to those under the previously approved application No. A/TM-LTTY/398.
- (c) All approval conditions of the previously approved application has been complied with.
- (d) The existing trees at the Site will be maintained in good condition at all times during the planning approval period.

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

As the Site involves GL only, the ‘owner’s consent/notification’ 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) are not applicable to the application.

**4. Town Planning Board Guidelines**

The Town Planning Board Guidelines on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No.34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

**5. Background**

5.1 The Site is located beneath KSWH, which was opened to public use in July 2007. The Site was rezoned from “Residential (Group D)” to an area shown as ‘Road’ on the draft Lam Tei and Yick Yuen OZP No. S/TM-LTYYY/7 gazetted on 12.12.2014 to reflect the completed KSWH.

5.2 The Site is involved in a designated project named “Deep Bay Link and Widening of Yuen Long Highway between Lam Tei and Shap Pat Heung Interchange (Lam Tei to Tan Kwai Tsuen Section)” (i.e. KSWH) approved under the Environmental Impact Assessment Ordinance. It is subject to the Environmental Permit (EP) of KSWH granted to the Highways Department (HyD) in 2003 for planting to mitigate the landscape and visual impacts brought by the operation of KSWH (**Appendix III**).

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

**6. Previous Application**

6.1 The Site is the subject of a previously application (No. A/TM-LTYYY/398) approved by the Committee on 26.6.2020 mainly on the grounds that the proposed temporary use was not incompatible with the surrounding land uses and it utilised vacant GL on a short-term basis; approval of the proposed temporary use would not jeopardise the requirement under the EP and the technical concerns of relevant government departments could be addressed by appropriate approval conditions. All the time-limited approval conditions of the previous application have been complied with. Details of the application are at **Appendix IV** and its location is shown at **Plan A-1**.

**7. Similar Application**

There is no similar application within the same area shown as ‘Road’ on the OZP.

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

### **8.1 The Site is:**

- (a) beneath KSWH;
- (b) formed, hard-paved and used for the applied use with valid permission (**Plans A-4a and A-4b**); and
- (c) accessible via Wong Kong Wai Road (**Plan A-2**).

### **8.2 The surrounding areas have the following characteristics (**Plans A-1 to A3**):**

- (a) to the east and west are vacant land under the KSWH and its associated slip roads;
- (b) to the immediate north are predominately residential dwellings; and to the further north are residential dwellings in Tsoi Yuen Tsuen intermixed with some vacant land, warehouses, open storage of vehicles and vehicle repair workshops which are suspected unauthorized developments (UDs); and
- (c) to the south are amenity areas and vacant land; and to the further south are residential dwellings in Fuk Hang Tsuen intermixed with parking of vehicles, storage and office use which are suspected UD.

## **9. Planning Intention**

The Site falls within an area shown as 'Road' on the OZP to reflect the completed KSWH.

## **10. Comments from Relevant Government Departments**

All 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 V and VI** respectively.

## **11. Public Comments Received During the Statutory Publication Period**

On 9.5.2023, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. One commenter expresses that approval conditions under the previously approved application have yet been fulfilled. The other commenter supports the application given that it would not adversely affect the local residents.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary training ground (HKIC, CIC) for a period of three years. The Site falls within an area

shown as 'Road' on the OZP (**Plan A-1**), which is to reflect the completed KSWH. The Site is subject to the EP of KSWH to mitigate the landscape and visual impacts brought by the operation of KSWH. The applicant has committed that the existing trees at the Site will be maintained in good condition at the time of the planning approval period. In this regard, the Director of Environmental Protection (DEP) has no objection to the application. Approval of the application would not jeopardise the requirement under the EP.

- 12.2 The Site is located beneath KSWH and currently used for the applied use. It is surrounded by predominately residential dwellings intermixed with some vacant land, warehouses, open storage of vehicles and vehicle repair workshops. The applied use is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there has been no major change in planning circumstances, adverse implications arising from the renewal of the planning approval are not envisaged; all the time-limited conditions under previous approval have been complied with; concerned government departments have no objection to or no adverse comments on the application, and the three-year approval period sought is the same time-frame as the previous approval.
- 12.4 According to the Hong Kong Planning Standards and Guidelines, construction training grounds/centres not involving heavy machinery (for Government/non-government organisations) located beneath flyovers and footbridges is considered as a conditionally acceptable use. The use may generate some degree of impacts based on all relevant considerations but such impacts could be easily and effectively mitigated through imposition of conditions in the land documents. In this regard, relevant government departments including DEP, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department, and Director of Fire Services have no objection to or no adverse comment on the application. Adverse environmental, traffic, drainage and fire safety impacts on the surrounding areas are not envisaged. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will also be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise possible environmental nuisance.
- 12.5 There were two public comments received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraph 12.1 to 12.4 are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary use under the application could be tolerated for a further period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the renewal shall be valid on a temporary basis for a period of three years, and be

renewed from 27.6.2023 until 26.6.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing tree planting within the Site shall be maintained in good condition at all time during the planning approval period;
- (b) the environmental mitigation and preventive measures implemented and established on the Site under application No. A/TM-LTYT/398 shall be maintained at all times during the planning approval period;
- (c) the run-in/out implemented and established on the Site under application No. A/TM-LTYT/398 shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities implemented on the 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 27.9.2023;
- (e) in relation to (d) above, the existing drainage facilities implemented on the Site shall be maintained at all times during the planning approval period;
- (f) the existing fire service installations implemented on the Site shall be maintained in efficient order at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (c), (e), or (f) 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 the above planning condition (d) 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.

*[Approval condition (a) is the same as the previous application No. A/TM-LTYT/398, other conditions have been updated and/or removed as per latest departmental comments and Planning Department's latest requirement.]*

Advisory clauses

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

13.3 There is no strong reason to recommend rejection of the application.

**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**

|                                  |   |
|----------------------------------|---|
| <b>Appendix I</b>                | Application Form with attachments received on 27.4.2023 |
| <b>Appendix Ia</b>               | SI received on 5.5.2023                                 |
| <b>Appendix Ib</b>               | FI received on 19.5.2023                                |
| <b>Appendix Ic</b>               | FI received on 30.5.2023                                |
| <b>Appendix Id</b>               | FI received on 5.6.2023                                 |
| <b>Appendix Ie</b>               | FI received on 16.6.2023                                |
| <b>Appendix If</b>               | FI received on 19.6.2023                                |
| <b>Appendix II</b>               | Extract of the Environment Permit of KSWH               |
| <b>Appendix III</b>              | Relevant Extracts of TPB PG-No.34D                      |
| <b>Appendix IV</b>               | Previous Application                                    |
| <b>Appendix V</b>                | Government Departments' General Comments                |
| <b>Appendix VI</b>               | Recommended Advisory Clauses                            |
| <b>Appendices VII-1 to VII-2</b> | Public Comments   |
| <b>Drawing A-1</b>               | Site Plan   |
| <b>Drawing A-2</b>               | Layout Plan   |
| <b>Drawings A-3 to A-4</b>       | Existing Drainage Plans                                 |
| <b>Plan A-1</b>                  | Location Plan   |
| <b>Plan A-2</b>                  | Site Plan   |
| <b>Plan A-3</b>                  | Aerial Photo  |
| <b>Plans A-4a to A-4b</b>        | Site Photos   |

**PLANNING DEPARTMENT  
JUNE 2023**