

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/TM-LTY Y/471

<u>Applicant</u>	:	鉅進發展有限公司
<u>Site</u>	:	Lots 1212 RP (Part), 1215 S.AK RP (Part), 1243 S.B RP (Part), 1247 RP (Part), 1248 (Part), 1256 S.A, 1256 S.B and 1256 RP in D.D.130, Fuk Hang Tsuen, Lam Tei, Tuen Mun, New Territories
<u>Site Area</u>	:	About 4,304m ²
<u>Land Status</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTY Y/12
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”) [Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
<u>Application</u>	:	Proposed Temporary Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by parking of vehicles without valid planning permission (**Plans A-3 and A-4**).
- 1.2 The Site is accessible via a strip of Government land (GL) and private lots leading from Tat Fuk Road connecting with Wong Kong Wai Road (**Plan A-2**). According to the applicant, the proposed temporary warehouse is for storage of building materials (i.e. bricks, sands, glass and cement). No storage of dangerous goods and no dismantling, maintenance, repairing, cleansing, paint spraying or car cleaning will be carried out at the Site. The layout plan with ingress/egress point of the Site submitted by the applicant is at **Drawing A-1**.

1.3 The major development parameters of the application are summarised as follow:

Total Floor Area	3,200m ²
No. of Structures	3 (for warehouse, ancillary office and fire service pump room)
Building Height	1-2 storeys (about 4m to 13m)
No. of Parking Spaces and Loading/Unloading (L/UL) Spaces	1 private car parking space; and 3 L/UL spaces for light goods vehicles
Operation Hours	8:00 a.m. to 6:00 p.m. from Mondays to Saturdays (i.e. no operation on Sundays and public holidays)

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

- (a) Application Form with attachments received on 8.4.2024 **(Appendix I)**
- (b) Further Information (FI) received on 7.8.2024* **(Appendix Ia)**
- (c) FI received on 8.10.2024* **(Appendix Ib)**

**accepted and exempted from publication and recounting requirements*

1.5 On 7.6.2024 and 4.10.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ib**. They could be summarised as follows:

- (a) to utilise the existing land resources for the proposed use;
- (b) as the proposed use is temporary in nature and no permanent structure is involved, it will not jeopardise the long-term planning of the area;
- (c) the estimated traffic flow will be low;
- (d) all the stored items will be housed within an enclosed structure and no operation will be held during night time;
- (e) there will be no adverse environmental impacts on the surrounding areas; and
- (f) the applicant will strictly comply with all environmental protection/pollution control ordinances at all times during the planning approval period in order to minimise environmental nuisances on the surrounding areas.

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. 31B) by posting site notice and sending notice to the Tuen Mun 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 active planning enforcement action.

5. Previous Application

The Site was the subject of one previous application (No. A/TM-LTYT/173) at a larger site involving “R(D)” and “Green Belt” zones submitted by a different applicant for proposed temporary vehicle park (private car) and open storage of private car parts for a period of two years which was rejected by the Committee on 23.1.2009. The considerations of the previous application are not relevant to the current application which involves a different use. Details of the previous application are at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

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

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

7.1 The Site is:

- (a) currently paved, largely fenced-off and occupied by parking of vehicles (**Plans A-3 and A-4**) without valid planning permission; and
- (b) accessible via a strip of GL and private lots leading from Tat Fuk Road to its south connecting with Wong Kong Wai Road (**Plan A-2**).

7.2 The surrounding areas are predominated by rural settlements (i.e. Fuk Hang Tsuen and Tsoi Yuen Tsuen) intermixed with temporary structures, tree groups and unused land. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Bureau/Departments

All government bureau/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 III** and **IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 19.4.2024, the application was published for public inspection. During the statutory public inspection period, one objecting public comment from an individual was received (**Appendix V**) mainly on the grounds relating to tree felling, enforcement of unauthorized uses at the Site and whether the brownfield operations can be accommodated in custom-built industrial estates.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of building materials for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the proposed use is not in line with the planning intention of the “R(D)” zone, there is no known development proposal at the Site. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the “R(D)” zone.
- 11.2 The proposed use, comprising three single to two-storey temporary structures (about 4m to 13m in height), is considered not incompatible with the surrounding areas which are predominantly occupied by rural settlements intermixed with temporary structures, tree groups and unused land (**Plan A-2**).
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety perspectives respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of the concerned departments, and 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 potential environmental nuisances on the surrounding areas.
- 11.4 Regarding the public comment as detailed in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant. Regarding the concern on tree felling, as the Site is predominantly paved and no significant vegetation are observed within the Site, the Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the proposed use could be tolerated for a period of three 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 three years until **6.12.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) 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 **6.6.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal 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 **6.9.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 **6.6.2025**;
- (e) in relation to (d) 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 **6.9.2025**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the proposed use is not in line with the planning intention of the "Residential (Group D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings and intended for low-rise, low-density residential

developments. There is no strong planning justification in the submission for a departure from such 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 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 8.4.2024
Appendix Ia	FI received on 7.8.2024
Appendix Ib	FI received on 8.10.2024
Appendix II	Previous Application
Appendix III	Government Bureau/Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**