

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

APPLICATION NO. A/YL-KTN/827

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 381 RP (Part), 382 RP (Part) and 412 RP (Part) in D.D. 110, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 1,753 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/9
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Private Car Park for Medium Goods Vehicles and Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary private car park for medium goods vehicles and storage of construction materials for a period of 3 years. The Site falls within an area zoned “AGR” zone on the approved Kam Tin North Outline Zoning Plan (OZP). According to the Notes of the OZP, ‘Private Vehicle Park’ and ‘Open Storage’ in the “AGR” zone are neither Column 1 nor Column 2 uses which require 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/YL-KTN/648 until 10.6.2022 (**Plans A-2 and A-4**).
- 1.2 According to the applicant, five one-storey structures with a total floor area of about 249m² and building height ranging from 2.5m to 6m are erected within the Site for staff common rooms, store rooms, and shelters with structures underneath for office, parking spaces for three medium goods vehicles and staff common room. 2 car parking spaces for visitors and 10 parking spaces for medium goods vehicles of 5.5 tonnes to 24 tonnes are provided within the Site. Construction materials including ironware and H-shaped iron will be

stored in the open-air area of the Site. Moreover, no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities is carried out on the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible via a local track branching off from Kam Tai Road to the south (**Plans A-1a and 2**). The site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The Site is the subject of eight previous applications (No. A/YL-KTN/130, 263, 339, 354, 373, 399, 517 and 648) (details at paragraph 6 below).

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

- (a) Application form with supplementary information received on 29.3.2022 **(Appendix I)**
- (b) Further information (FI) received on 16.5.2022 **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application form, supplementary information, and FI at **Appendices I and Ia** respectively as summarized below:

- (a) The current application is for renewal of the last approved Application No. A/YL-KTN/648. As compared to the previous application, there is no major change of the applied use, layout / site boundary and major development parameters. Also, during the last approval period, there was no objection or complaint from relevant government departments and the nearby residents, and the Site has been kept in good condition.
- (b) All the approval conditions in the last approved Application No. A/YL-KTN/648 have been complied with. The applicant will maintain the landscape plantings, drainage facilities and fire service installations on-site in good conditions.

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

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

4. **Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines for 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 attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) promulgated on 27.3.2020 are relevant to the application. The Site falls within Category 2 area under the Guidelines. Relevant extract of the Guidelines is at **Appendix III**.

5. **Background**

The Site is not subject to any active enforcement action.

6. **Previous Applications**

- 6.1 The Site is the subject of eight previous applications (No. A/YL-KTN/130, 263, 339, 354, 373, 399, 517 and 648) for various temporary open storage uses and/or private vehicle park for light/medium goods vehicle. All the applications, except Applications No. A/YL-KTN/130 and 263, were approved with conditions by the Committee between January 2010 and May 2019 mainly on the grounds that approval of the applications on a temporary basis would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; the applications were generally in line with the relevant Town Planning Board Guidelines on applications for open storage and port back-up uses, and for renewal of planning approval for temporary use or development; relevant departments in general had no objection and/or their technical concerns could be addressed by appropriate approval conditions. Nevertheless, Applications No. A/YL-KTN/339, 354 and 373 were revoked between November 2010 and November 2012 due to non-compliance with approval conditions related to the boundary fencing, landscape, transport, drainage and fire safety aspects.
- 6.2 Compared with the development scheme under the last approved application No. A/YL-KTN/648, the applied use, site area / boundary and major development parameters of the current application remain unchanged. The planning permission is valid until 10.6.2022 and all the approval conditions are complied with.
- 6.3 Details of the previous applications are summarized at **Appendix IV** and the locations are shown on **Plan A-1b**.

7. **Similar Applications**

- 7.1 There are 6 similar applications for various temporary open storage and/or private vehicle park uses within the “AGR” zones in the vicinity of the Site on the Kam Tin North OZP and Pat Heung OZP. All applications, except No. A/YL-KTN/552 and A/YL-PH/751, were approved with conditions by the Committee between April 2017 and December 2017 for similar reasons as stated in paragraph 6.1 above.
- 7.2 Application No. A/YL-KTN/552 and A/YL-PH/751 were rejected by the Committee in April 2017 and August 2017 respectively mainly on similar considerations that the developments were not in line with the then TPB PG-13E in that the sites were within Category 3 areas and there were no previous planning approvals; and there was insufficient information to demonstrate that the developments would not cause adverse environmental, drainage, traffic and landscape impacts on the surrounding areas.
- 7.3 Details of the similar applications are summarized at **Appendix IV** and the locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
 - (a) partly fell within the control/protection boundary of XRL (**Plan A-2**);
 - (b) currently used for the applied use covered by valid planning permission under Application No. A/YL-KTN/648; and
 - (c) accessible via a local track branching off from Kam Tai Road to the south.
- 8.2 The surrounding areas have the following characteristics:
 - (a) to its immediate east and northeast is a vacant site falling within the scheme boundary of XRL, which is also the site for temporary transitional housing and hobby farm use (approved under Application No. A/YL-PH/913). To its further northeast are two open storage yards (one of which is approved under Application No. A/YL-PH/825), and parking of vehicles (approved under Application No. A/YL/KTN/710);
 - (b) to its immediate south is a warehouse (approved under Application No. A/YL-KTN/692). To its further south and southwest are open storage yards (one of which is approved under Application No. A/YL-KTN/729), residential dwellings/structures (the nearest about 40m to the southwest) and a plant nursery;

- (c) to the west and northwest are a plant nursery, and two open storage yards (with valid planning permissions); and
- (d) a large piece of land zoned “Open Storage” (“OS”) and “Industrial (Group D)” (“I(D)”) abutting the eastern part of the “AGR” zone which is occupied by open storage uses (**Plan A-1a**).

9. **Planning Intention**

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

10. **Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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.

10.2 The following government department has objection to / reservation on the application.

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) there was no environmental complaint against the Site 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”, he does not support the application as the development will generate traffic of heavy vehicles and there are sensitive receivers, i.e. residential dwellings / structures located in the vicinity of the Site (on the southwest)(**Plan A-2**); and
- (c) DEP’s other advisory comments are provided in the Recommended Advisory Clauses in **Appendix VI**.

11. **Public Comment Received During Statutory Publication Period (Appendix VII)**

The application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received. The commenters raise objection to the application mainly on the grounds that the

development would create adverse traffic and environmental impact, fire safety risk thus affecting the quality of life of the residents nearby; and the last application No. A/YL-KTN/648 required multiple extension of time applications to comply with the approval conditions.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary private car park for medium goods vehicles and storage of construction materials for a period of three years within an area zoned “AGR”. The planning intention of the “AGR” zone is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The development is not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no strong view on the renewal application from agricultural point of view. It is considered that temporary approval of the application would not jeopardise the long-term planning intention of the “AGR” zone.
- 12.2 The development is not incompatible with the surrounding land uses which are rural in character intermixed with open storage yards, warehouses, workshops, residential dwellings / structures, plant nursery and vacant land. There is also a large piece of land zoned “OS” and “I(D)” abutting the eastern part of the “AGR” zone which is occupied by open storage uses (**Plan A-1a**).
- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.4 The application is generally in line with the TPB PG-No. 13F and 34D in that previous approvals for the same use were granted since 2016 and all approval conditions under the last approved application (No. A/YL-KTN/648) have been complied with. The current application submitted by the same applicant is the same as the last approved application in terms of applied use, site boundary / layout and major development parameters. Relevant departments consulted, except DEP, have no adverse comment on the renewal application, and there is no local objection as conveyed by DO(YL). As previous approvals have been granted and there is no major change in planning circumstances since the last approval, sympathetic consideration could be given to the current renewal application for a further period of 3 years.

- 12.5 While DEP does not support the application as the development involves traffic of heavy vehicles and there are sensitive receivers, i.e. domestic dwellings/structures, in the vicinity of the Site (the nearest about 40m to the southwest) (**Plan A-2**) and environmental nuisance is expected, no environmental complaint concerning the Site has been received in the past three years. In order to minimize any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. In addition, the applicant will be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued by DEP.
- 12.6 Two public comments objecting to the application were received during the statutory publication period as mentioned in paragraph 11 above. In this regard, government departments’ comments and planning assessments 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 comments mentioned in paragraph 11, the Planning Department considers that the temporary private car park for medium goods vehicles and storage of construction materials 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, and be renewed from 11.6.2022 until 10.6.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00p.m. and 9:00a.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 heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the Site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;

- (e) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations is allowed to be parked/stored on the Site at any time during the planning approval period;
- (f) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (g) the existing boundary fencing along the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period; and
- (j) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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.

[The above approval conditions are the same as those under the last approved Application No. A/YL-KTN/648, except deletion / revision to those conditions on transport, drainage, fire safety and landscape aspects based on the latest comments of C for T, CE/MN of DSD, D of FS and CTP/UD&L of PlanD.]

Advisory clauses

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

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

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission for renewal of the planning 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 reasons for rejection should be given to the applicant.

15. **Attachments**

Appendix I	Application form with supplementary information received on 29.3.2022
Appendix Ia	FI received on 16.5.2022
Appendix II	Relevant extracts of TPB PG-No. 34D
Appendix III	Relevant extracts of TPB PG-No. 13F
Appendix IV	Previous and similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Appendix VII	Public comments
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar application
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2022**