

RNTPC Paper No. A/YL-KTN/872
For Consideration by
the Rural and New Town
Planning Committee
on 13.1.2023

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

APPLICATION NO. A/YL-KTN/872

<u>Applicant</u>	:	Yau Fook Holding Development Limited represented by BMI Appraisals Limited
<u>Site</u>	:	Lots 409 S.A (Part) and 413 in D.D. 110, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 2,360.5m 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 at the time of submission Draft Kam Tin North OZP No. S/YL-KTN/10 currently in force [The zoning and development restrictions for the Site remain unchanged on the current draft OZP No. S/YL-KTN/10]
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Storage of Logistics Products and Goods with Ancillary Office 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 storage of logistics products and goods with ancillary office for a period of 3 years. The Site falls within an area zoned “AGR” on the Kam Tin North OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is paved, partly fenced and currently used for the applied use with valid planning permission under Application No. A/YL-KTN/692 until 28.1.2023 (**Plans A-2 to A-4b**).
- 1.2 The Site is involved in four previous applications (detailed in paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTN/692 submitted by the same applicant in terms of the applied use, site area / boundary, layout and major development parameters. All the approval conditions are complied with.
- 1.3 According to the applicant, the Site is occupied by one single-storey structure with

floor area of about 1,393.7m² and building height of 8m for storage and ancillary office uses. Goods such as electronic parts and food products etc. are stored in the structure. No heavy goods vehicle exceeding 24 tonnes is used for operation of the development. Besides, no workshop, industrial, parts breaking or painting activities will be carried out within the Site. The operation hours are between 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. Two private car parking spaces, two medium goods vehicle parking spaces and one loading/unloading area for medium goods vehicle are provided at the Site. The Site is directly accessible from Kam Tai Road via a local access. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with planning statement and supplementary information received on 1.12.2022 and 6.12.2022 **(Appendix I)**
- (b) Further Information (FI) received on 9.1.2023 **(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, planning statement, supplementary information and FI in **Appendices I and Ia**. They can be summarized as follows:

- (a) The development is temporary in nature and will not frustrate the long-term planning intention of the “AGR” zone. It is not incompatible with the surrounding land uses such as storage of construction materials and vehicle parts.
- (b) The Site is the subject of four previous applications approved for the same use or renewal of the planning approval granted by the Board. The applicant has complied with all the approval conditions stipulated by the Board and there has been no complaint from the locals and concerned government departments.
- (c) The development will not induce adverse environmental, traffic, landscape and drainage impacts to the surrounding areas. Renewal of the approval will not set an undesirable precedent.

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. Town Planning Board Guidelines

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. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is the subject of four previous applications or renewal of the planning approval granted by the Board (No. A/YL-KTN/352, 428, 542 and 692) submitted by the same applicant and covering similar site area as the current application. All applications were approved between January 2011 and January 2020 mainly on considerations 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; and there was no adverse departmental comments or the departmental concerns could be addressed by imposition of relevant approval conditions.
- 6.2 Compared with the last approved Application No. A/YL-KTN/692, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, layout and major development parameters. All the approval conditions are complied with and the application is valid until 28.1.2023.
- 6.3 Details of the applications are summarized in **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Application

There is no similar application for temporary storage use within the same “AGR” zone in the vicinity of the Site in the past 5 years.

8. The Site and Its Surrounding Areas (Plans A-2 to A-4b)

8.1 The Site is:

- (a) largely covered and currently used for the applied use with valid planning permission; and
- (b) accessible to Kam Tai Road and Kam Tin Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are open storage yards and parking of vehicles (with valid planning permission under Applications No. A/YL-KTN/704 and 827). To its further northeast is vacant land;
- (b) to its immediate east and southeast are an area zoned “Open Storage” (“OS”) and “Industrial (Group D)” (“I(D)”) occupied by vehicle repair workshop, a warehouse and open storage yards; and

- (c) to its southwest and west are open storage yards (one with valid planning permission under Application No. A/YL-KTN/729), residential dwellings/structures (less than 20m to the west) and a plant nursery.

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 IV and V** respectively.

Environment

- 10.2 Comments of the Director of Environmental Protection (DEP):

- (a) there is no environmental complaint at the Site received by DEP in the past three years;
- (b) according to the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Use and Open Storage Sites’ (COP), he does not support the application as sensitive receivers, i.e. residential structures are found to the west (less than 20m away) of the Site and the applied use involves the use of heavy vehicles, environmental nuisance is expected;
- (c) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest ‘COP’ issued by DEP.

11. Public Comment Received During the Statutory Publication Period

The application was published for public inspection. During the statutory publication period, one public comment from an individual was received. The commenter raises objection to the application mainly on the grounds that the development would create adverse traffic and environmental impacts and fire safety risk thus affecting the quality of life of the residents nearby.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission for temporary storage of logistics products and goods with ancillary office at the Site zoned “AGR”. The

planning intention of the “AGR” zone is primarily 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 applied use is not in line with the planning intention of the “AGR” zone. Nevertheless, DAFC has no strong view on the application from the agricultural development perspective. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone.

- 12.2 The development is considered not incompatible with the surrounding land uses which are mixed with open storage yards, workshop, warehouse, residential structures/dwellings and plant nursery. There are planning approvals for temporary open storage use in the adjacent areas. Besides, there is a large piece of land zoned “OS” and “I(D)” to the immediate east and southeast of the Site which is occupied by open storage uses (**Plans A-1 and A-2**).
- 12.3 The application is generally in line with the TPB PG-No. 34D in that previous approvals for the same applied use were granted since 2011 and all approval conditions of the last application (No. A.YL-KTN/692) are complied with. Compared with the last approved application, the current application submitted by the same applicant is the same in terms of applied use, site area / boundary, layout and major development parameters. As there is no major change in planning circumstances since the granting of the previous approval, sympathetic consideration could be given to the current application.
- 12.4 Relevant departments consulted, except DEP, have no adverse comment on the application. DEP does not support the application as there are residential dwellings / structures located to the west (less than 20m away) and the applied use involves the use of heavy vehicles, environmental nuisance is expected. It is noted that there is no environmental complaint against the Site received in the past three years. Since the development is mainly operated within the enclosed structure, it is unlikely that it would generate significant environmental nuisance to the surroundings. 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. The applicant will also be advised to follow the latest ‘COP’ issued by DEP.
- 12.5 The Site is the subject of four previous applications (No. A/YL-KTN/352, 428, 542 and 692) for the same applied use which were approved by the Rural and New Town Planning Committee (the Committee) between January 2011 and January 2020 for reasons as stated in paragraph 6.1 above. All the approval conditions stipulated by the Committee under the last approved application No. A/YL-KTN/692 have been complied with. Approving the current renewal application is in line with the Committee’s decisions on previous applications.
- 12.6 One public comment objecting to the application was 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 comment mentioned in paragraph 11 above, the Planning Department considers that the applied use could be tolerated for a further 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 29.1.2023 until 28.1.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00p.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) no heavy goods vehicles exceeding 24 tonnes, including container tractors / trailers, as defined in the Road Traffic Ordinance are allowed to be parked / stored on or enter / exit the Site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period;
- (f) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of the record of the existing drainage facilities on the Site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 29.4.2023;
- (i) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (g) 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;
- (j) if the above planning condition (h) 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; and

- (k) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[The above approval conditions are same as those under the previous approved application No. A/YL-KTN/692.]

Advisory clauses

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

- 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form with planning statement and supplementary information received on 1.12.2022 and 6.12.2022
Appendix Ia	FI received on 9.1.2023
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous applications
Appendix IV	General departmental comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
Drawing A-1	Site layout plan
Plan A-1	Location plan with previous applications
Plan A-2	Site plan
Plan A-3	Aerial photo

Plans A-4a and A-4b Site photos

**PLANNING DEPARTMENT
JANUARY 2023**