

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

APPLICATION NO. A/YL-KTN/893

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 377 S.C RP (Part), 379 RP (Part), 380 RP (Part), 381 RP (Part), 382 RP (Part), 412 RP (Part) and 414 (Part) in D.D. 110, Kam Tin North, Yuen Long, New Territories
<u>Site Area</u>	:	About 5,460m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/10
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Building Materials with Ancillary Site Office and Staff Lounge 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 open storage of building materials with ancillary site office and staff lounge for a period of 3 years. The Site falls within an area zoned “AGR” on the Kam Tin North OZP (**Plan A-1a**). 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 fenced, paved and currently used for the applied use with valid planning permission under Application No. A/YL-KTN/704 until 23.5.2023 (**Plans A-2 to A-4**).
- 1.2 The Site is involved in seven previous applications (detailed in paragraph 6 below). The current application is the same as the last approved application No. A/YL-KTN/704 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 seven structures of not more than two storeys with a total floor area of about 744m² and building heights of not more than 7.5m for site office, staff resting rooms and toilets uses. The open area is used

for open storage of building materials. Five light goods vehicle parking spaces are provided at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The Site is accessible from Kam Tai Road via a local access. The site layout plan building structures elevation plan submitted by the applicant are at **Drawings A-1 and A-2**.

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

- (a) Application form with supplementary information (Appendix I)
received on 7.2.2023 and 10.2.2023
- (b) Further Information (FI) received on 23.3.2023 (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, 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.
- (b) There is no change to the renewal application as compared with the development proposal under the last application No. A/YL-KTN/704. The applicant has complied with all the approval conditions and there has been no complaint from the locals and no adverse comment from concerned government departments.
- (c) The development would not induce adverse traffic impact to the surrounding areas. The applicant will maintain the drainage facilities and fire services installations at the Site. The applicant will comply with all the approval conditions if the renewal application is approved by the Board.

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 section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notification letter to the Pat Heung Rural Committee by registered mail. 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**.

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13F) promulgated by the Town Planning Board (the Board) in March 2020 is relevant to the application. The Site is within Category 2 areas under TPB PG-No.13F. The relevant assessment criteria are attached at **Appendix III**.

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 seven previous applications or renewal of the planning approval granted by the Board (No. A/YL-KTN/161, 263, 338, 355, 442, 553 and 704) for various temporary open storage use. Five applications (No. A/YL-KTN/338, 355, 442, 533 and 704) were approved between January 2010 and May 2020 mainly on considerations that temporary approval of the applications 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 for application for open storage and port back-up uses; and there was no adverse departmental comments or their technical concerns could be addressed by approval conditions. The other two applications (No. A/YL-KTN/161 and 263), covering much larger area, were rejected by the Board on review in May 2003 and by the Committee in May 2007 at a time when the concerned sites were within Category 3 areas under the relevant Town Planning Board Guidelines for application for open storage and port back-up uses; and the applicants failed to demonstrate that the developments, located in close proximity to residential dwellings, would not be susceptible to adverse environmental nuisance.
- 6.2 Compared with the last approved Application No. A/YL-KTN/704, 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 23.5.2023.
- 6.3 Details of the applications are summarized in **Appendix IV** and the locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are five similar applications (No. A/YL-KTN/648, 654, 706, 729 and 827), involving four sites, within the same “AGR” zone in the vicinity of the Site in the past five years. All applications were approved with conditions by the Committee between May 2019 and May 2022 on similar considerations as stated in paragraph 6.1 above. However, the planning permission of Application No. A/YL-KTN/654 was revoked in June 2019 due to non-compliance with approval conditions.
- 7.2 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-2 to A-4)

8.1 The Site is:

- (a) paved, fenced and currently used for the applied use with valid planning permission; and
- (b) accessible from Kam Tai Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its east and southeast are a site with works in progress (approved for temporary transitional housing and hobby farm uses under Application No. A/YL-PH/913), parking of vehicles and two open storage yards (one of which with valid planning permission under Application No. A/YL-KTN/827). A large piece of land zoned “Open Storage” (“OS”) and “Industrial (Group D)” (“I(D)”) is located to the further southeast (**Plan A-1a**);
- (b) to its south are open storage yards, a warehouse (with valid planning permission under Application No. A/YL-KTN/872), a plant nursery and residential dwellings/structures (the closest at about 40m to the south); and
- (c) to its west and north across a nullah are residential dwellings/structures, an open storage yard and grassland.

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

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 Comment Received During the Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning permission for temporary open storage of building materials with ancillary site office and staff lounge 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, the Director of Agriculture, Fisheries and Conservation has no strong view on the application. Approval of the application on a temporary basis for a further 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, vehicle park, warehouse, residential structures/dwellings, plant nursery and grassland. There are planning approvals for temporary open storage / warehouse uses in the adjacent areas. Besides, there is a large piece of land zoned “OS” and “I(D)” to the east and southeast of the Site where open storage yards could be commonly found (**Plans A-1a, A-2 and A-3**).
- 12.3 According to TPB PG-No. 13F, the Site falls within Category 2 areas. The following 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 TPB PG-No. 13F and TPB PG-No. 34D in that all the approval conditions under the last approved Application No. A/YL-KTN/704 are complied with, and relevant departments consulted have no adverse comment on the application. Compared with the last approved application, the current application submitted by the same applicant is the same in terms of the use, site area / boundary, layout and major development parameters. As there is no major change in the planning circumstances, sympathetic consideration could be given to the current application.
- 12.5 Relevant departments consulted, including the Commissioner for Transport (C for T), Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) and Director of Fire Services (D of FS), have no adverse comment on the application. 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 ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by Department of Environmental Protection.

- 12.6 The Site is involved in five previous applications or renewal of the planning approval granted by the Board. The circumstances of the two rejected applications are different as stated in paragraph 6.1 above. Besides, there are five similar applications approved by the Committee in the vicinity of the Site. Approving the current renewal application is in line with the Committee's decisions on previous and similar applications.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 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 24.5.2023 until 23.5.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00p.m. and 9:00 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 medium or heavy goods vehicles exceeding 5.5 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) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of records 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 Board by 24.8.2023;
- (h) the submission of a revised fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.11.2023;

- (i) in relation to (h) above, the implementation of the revised fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.2.2024;
- (j) if any of the above planning condition (a), (b), (c), (d), (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
- (k) if any of the above planning condition (g), (h) or (i) 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.

[The above approval conditions are largely the same as those under the previous approved application No. A/YL-KTN/704, except deletion of / revision to the conditions related to the traffic, fire safety and landscape aspects based upon the latest comments of C for T, D of FS and CTP/UD&L of PlanD.]

Advisory clauses

The recommended advisory clauses are attached 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 7.2.2023 and 10.2.2023
Appendix Ia	FI received on 23.3.2023
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Relevant extract of TPB PG-No. 13F
Appendix IV	Previous and similar applications

Appendix V	General departmental comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Site layout plan
Drawing A-2	Building structures elevation plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous applications plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MARCH 2023**