

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

APPLICATION NO. A/YL-KTS/1031

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lot 1336 S.A (Part) in D.D. 106, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 1,327m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kam Tin South Outline Zoning Plan (OZP) No. S/YL-KTS/15
<u>Zoning</u>	:	“Residential (Group D)” (“R(D)”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Warehouse for Storage of Building Material Products for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary warehouse for storage of building material products for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use of land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-KTS/909 until 8.1.2025 (**Plans A-1b to A-4b**).
- 1.2 The Site is accessible from Kam Sheung Road via a local track (**Plans A-1a and A-3**). According to the applicant, the applied use involves a single-storey structure with a height of about 6m and a total floor area of about 727.5m² for warehouse and office uses. According to the applicant, two parking spaces for private cars and light goods vehicles are provided within the Site. The operation hours are from 9:00 a.m. to 6:00 p.m., Mondays to Saturdays with no operation on Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site, in part or in whole, was the subject of nine previous applications for temporary timber processing workshop or warehouse uses (**Plans A-1b**) (details in paragraph 5 below). The last application No. A/YL-KTS/909 (renewal of planning permission previously granted), submitted by the same applicant for the same use at the same site with the same layout and development parameters, was approved

with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 26.11.2021. All time-limited approval conditions have been complied with.

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

- (a) Application Form with attachments received on 27.9.2024 (**Appendix I**)
- (b) Further Information (FI) received on 4.12.2024* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

1.5 On 22.11.2024, the Committee agreed to defer making a decision on the application for two months 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 FI at **Appendices I and Ia**, and can be summarised as follows:

- (a) The applied use is temporary in nature. It does not involve permanent structures and will not jeopardise the implementation of the long-term planning intention for the Site.
- (b) The application is for renewal of planning permission for a previously approved application No. A/YL-KTS/909. The applicant has complied with all the approval conditions. No complaint was received from locals or government departments since the last approval and the Site has been kept in good condition.
- (c) The drainage facilities on-site have been cleaned regularly to avoid flooding. The Site has also been provided with appropriate fire service installations (FSIs). There is no traffic impact on Kam Sheung Road or the surrounding area. The applicant will comply with all approval conditions to be imposed 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 Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the Pat Heung Rural Committee. 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 the application. The 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, in whole or in part, was involved in nine previous applications (No. A/YL-KTS/128, 175, 226, 363, 469, 588, 688, 805 and 909). Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**. Three of the applications (No. A/YL-KTS/128, 175 and 226) for temporary timber processing workshop were approved by the Committee between 1998 and 2000, but the considerations of which are not relevant to the current application which involves a different use.
- 6.2 The remaining six applications (No. A/YL-KTS/363, 469, 588, 688, 805 and 909) for similar temporary warehouse use (including two for renewal of planning permission granted) were approved with conditions by the Committee between 2006 and 2021 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the site; the proposed use was not incompatible with the surrounding areas; relevant government departments consulted in general had no adverse comment and/or the concerns of relevant departments could be addressed by approval conditions; previous approvals had been granted; and there were no changes in planning circumstances. Amongst these applications, planning permission for application No. A/YL-KTS/469 was subsequently revoked in 2011 due to non-compliance with the approval conditions.
- 6.3 For the last approved application (No. A/YL-KTS/909), all the approval conditions have been complied with and the planning permission is valid until 8.1.2025.

7. Similar Application

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

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

8.1 The Site is:

- (a) accessible from Kam Sheung Road via a local track; and
- (b) occupied by the applied use with valid planning permission under application No. A/YL-KTS/909.

8.2 The surrounding areas comprise predominantly open storage/storage yards, vehicle repair workshop (including an open storage of vehicles/vehicle repair workshop with valid planning permission under application No. A/YL-KTS/907 in the close

vicinity of the Site), a transitional housing development named Pok Oi Kong Ha Wai Village, vacant land, gardening and residential structures.

9. Planning Intention

The planning intention of the “R(D)” zone is intended 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.

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 IV** and **V** respectively.

11. Public Comment Received During Statutory Publication Period

On 4.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Aviation Club of Hong Kong, China expressing concern on the height of the proposed use from flight safety perspective (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary warehouse for storage of building material products for a period of three years at the Site zoned “R(D)” (**Plan A-1a**). Whilst the applied use is not in line with the planning intention of the “R(D)” zone, there is no known development programme involving the Site. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(D)” zone.
- 12.2 The applied use is considered not incompatible with the surrounding areas which comprise predominantly open storage/storage yards, vehicle repair workshop, warehouse, a transitional housing development, vacant land, gardening and shops and residential structure (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of the Planning Department (PlanD) considers that significant adverse landscape impacts arising from the applied use is not anticipated and has no comment on the application from landscape planning perspective.
- 12.3 Other concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no adverse comment on or no objection to the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to

follow the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any potential environmental nuisance caused by the applied use on the surrounding areas.

- 12.4 The application is also considered generally in line with TPB PG-No. 34D in that there has been no material change in the planning circumstances since the previous approval was granted; no adverse planning implication arising from the renewal is anticipated; all approval conditions under the previous approval had been satisfactorily complied with; and the three-year approval period sought which is the same timeframe as the previous approval is reasonable.
- 12.5 Given that six previous applications for similar warehouse use have been granted to the Site by the Committee between 2006 to 2021, approving the current application is in line with the Committee’s previous decisions.
- 12.6 For the public comment mentioned in paragraph 11 above, the Director-General of Civil Aviation has no comment on the application and advises that the maximum level of the structures (i.e. one storey) are in general compatible with the building heights in the surrounding areas and will not exceed the relevant Airport Height Restriction.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taking into account the public comment mentioned in paragraph 11 above, PlanD considers that the applied use 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 permission shall be valid on a temporary basis for a period of three years and be renewed from 9.1.2025 to 8.1.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period; and
- (b) if the above planning condition (a) 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.

Advisory clauses

The recommended advisory clauses are 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.
- 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 attachments received on 27.9.2024
Appendix Ia	FI received on 4.12.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	Public comment
Drawing A-1	Site layout plan
Plan A-1a	Location plan
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
DECEMBER 2024**