

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-MP/338

<u>Applicant</u>	: Mr. Chau Kim Ching
<u>Site</u>	: Lot 2261 S.S ss.15 in D.D.104, Ha San Wai, Yuen Long
<u>Site Area</u>	: About 140 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Mai Po & Fairview Park Outline Zoning Plan (OZP) No. S/YL-MP/6
<u>Zoning</u>	: “Village Type Development” (“V”)
<u>Application</u>	: Temporary Storage for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary storage of domestic sundries for a period of 3 years at the application site (the Site) which is zoned “V” on the OZP (**Plan A-1**). According to the 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 paved and used for the applied use without valid planning permission.
- 1.2 As shown on **Drawing A-2**, the Site is accessible from a local access connecting to Castle Peak Road – Tam Mi via Ha San Wai Road and Kam Pok Road. **Drawing A-1** shows the layout plan of the applied development. Ingress/egress (4.5m wide) to the Site is provided at the western site boundary. The applied development involves five single-storey container structures (about 2.4m in height) with a total gross floor area (GFA) of about 73.2m². According to the applicant, the applied storage use at the Site is to provide a temporary storage space for the household stuff for the ancestral house at Lot 2261 S.S ss.4 owned by the applicant in the same “V” zone which is about to be redeveloped (**Plan A-2**). No vehicle parking space or loading/unloading space will be provided within the Site.

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

- (a) Application Form received on 7.3.2023 and (Appendix I)
Supplementary Information (SI) received on 10.3.2023
- (b) Further Information (FI) received on 14.4.2023* (Appendix Ia)
- (c) FI received on 19.4.2023* (Appendix Ib)
- (d) FI received on 27.4.2023* (Appendix Ic)

Remarks: * accepted and exempted from publication and recounting requirements.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices Ia to Ic**. They can be summarised as follows:

- (a) The applied use at the Site intends to provide a temporary storage space for the household stuff for the ancestral house at Lot 2261 S.S ss.4 owned by the applicant in the same “V” zone which is about to be redeveloped and will be short term in nature.
- (b) Traffic impact to the surrounding road network is anticipated to be minimal.

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. **Background**

The Site is subject to an active planning enforcement action for UD involving storage use (including deposit of containers). Enforcement Notice (EN) was issued on 3.3.2023 requiring discontinuation of the UD on or before 3.6.2023 (**Plan A-2**).

5. **Previous Application**

Part of the Site is involved in one previous application for land filling which was not relevant to the current application. Details of the application are summarised at **Appendix II**. Its location are shown on **Plan A-1**.

6. Similar Applications

During the past five years, there is no similar planning application for warehouse (excluding dangerous goods godown) use within the same “V” zone on the OZP.

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

7.1 The Site is:

- (a) accessible at the west from a local access connecting to Castle Peak Road – Tam Mi via Ha San Wai Road and Kam Pok Road; and
- (b) paved and currently used for the applied use without valid planning permission.

7.2 The surrounding areas are rural in character intermixed with storage yards, warehouses, vehicle parks and residential dwelling/village houses:

- (a) to its north and northwest are storage yards, vacant land, vehicle parks warehouses and residential dwellings; and
- (b) to its south and southwest across a nullah are a car washing centre, a warehouse, an open storage yard, a vehicle park and a plant nursery; and
- (c) to its east and northeast are residential dwellings, a vehicle park and a kindergarten approved under planning application No. A/YL-MP/304.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and provisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

9. 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 III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 14.3.2023, the application was published for public comment. During the statutory publication period, one public comment was received from Fairview Park Property Management Limited objecting to the application in that the applied use would adversely affect the traffic condition of Fairview Boulevard and the transport network at Fairview Park Roundabout thereby creating chaos and posing safety concerns to the residents of the Fairview Park area (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary storage of domestic sundries for a period of 3 years. The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and provisioning of village houses affected by government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. According to the applicant, he is the lot owner of the Site and has submitted a Small House application. DLO/YL, LandsD advises that the Small House application has been approved and he has no adverse comment on the application. The applied use aims at providing temporary storage of household stuff for the ancestral house at Lot 2261 S.S ss.4 in the same “V” zone which is about to be redeveloped. The applicant states that the applied use would be short term in nature. The applied use is therefore considered in line with the planning intention of the “V” zone. In this regards, the approval of the application on a temporary basis for 3 years would not frustrate the long-term intention of the “V” zone.
- 11.2 The applied use with single-storey (2.5m in height) structures is considered not incompatible with the surrounding uses which mainly comprises village houses/residential dwellings, storage yards, warehouses, and vehicle parks.
- 11.3 Other concerned government departments, including C for T, DEP, D of FS, CTP/UD&L of PlanD and CE/MN of DSD have no objection to or no adverse comment on traffic, environmental, fire safety, landscape and drainage aspects respectively. Should the application be approved, technical requirements of D of FS and CE/MN of DSD are imposed through approval conditions in paragraphs 12.2 below. Besides, the applicant should be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to mitigate any potential environmental impacts on the surrounding areas.
- 11.4 Regarding the public comment raising objection/concerns on the applied development as detailed in paragraph 10 above, the planning considerations and departmental comments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10, the Planning Department considers that the applied use could be tolerated for a period of 3 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 3 years until 5.5.2026. 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 5.11.2023;
- (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 5.2.2024;
- (c) in relation to (b) above, the implemented drainage facilities 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 5.11.2023;
- (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 5.2.2024;
- (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 on the same date be revoked without further notice.

Advisory clauses

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

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

the applied use is not in line with the planning intention of the “V” zone, which is primarily to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within “V” zone is primarily intended for development of small houses by indigenous villagers. No strong planning justification has been given in the submission to justify the applied warehouse use which will cause delay to the development of approved small houses within the “V” zone and thus a departure from the 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 received on 7.3.2023 and SI received on 10.3.2023
Appendix Ia	FI received on 14.4.2023
Appendix Ib	FI received on 19.4.2023
Appendix Ic	FI received on 27.4.2023
Appendix II	Previous application
Appendix III	Government departments’ general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Existing Vehicular Access Plan
Drawing A-3	Approved Small House at Lot 2261 S.S ss4 in D.D. 104
Plan A-1	Location plan with previous application
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2023**