

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-NTM/444

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| <u>Applicant</u> | : Forever Wise Development Limited represented by Ever United Planning and Development Limited |
| <u>Site</u> | : Lots 1625 (Part), 1626 S.B (Part), 1626 RP (Part), 1629 S.A, 1629 RP (Part), 1630 S.A and 1630 RP (Part) in D.D. 104 and adjoining Government Land, Ngau Tam Mei, Yuen Long |
| <u>Site Area</u> | : About 1,310 m ² (Includes Government Land(GL) of about 106.5 m ²) |
| <u>Lease</u> | : New Grant (for agricultural purpose only) and Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : Approved Ngau Tam Mei Outline Zoning Plan No. S/YL-NTM/12 |
| <u>Zoning</u> | : “Comprehensive Development Area” (“CDA”) |
| <u>Application</u> | : Temporary Warehouse for Storage of Plywood for a Period of 3 Years |

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of plywood for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 According to the layout plan (**Drawing A-1**) submitted by the applicant, the ingress/egress (7m wide) is located at the western boundary of the Site, which is accessible to San Tam Road via Ching Yau Road and Chuk Yau Road (**Plan A-1**). There are two single-storey structures (6m to 7.5m in height) and one two-storey structure (not exceeding 6m in height) with a total floor area of about 653 m² at the Site, which are for storage of plywood, site office, toilet and rain shelter uses. All plywood materials will only be stored within the fully enclosed structure 1 and no storage activities will be carried out in the open area. Besides, one parking space (5m x 2.5m) for private car and one loading/unloading space (7m

x 3.5m) for light goods vehicles will be provided. The operation hours of the applied use are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays.

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

- (a) Application Form received on 1.8.2022 (Appendix I)
- (b) Supplementary Planning Statement received on 1.8.2022 (Appendix Ia)
- (c) Further Information (FI) received on 8.9.2022 (Appendix Ib) responding comments of Transport Department (TD) and Highways Department (HyD)[#]

[#] exempted from publication requirement

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia**. They are summarised as follows:

- (a) The proposed use is temporary in nature and would not jeopardise the long-term planning of the “CDA” zone.
- (b) The storage activity of the proposed temporary use will be carried out in a fully enclosed structure and no workshop activities are proposed at the Site. The applicant will also comply with the relevant regulations/guidelines to ensure minimal environmental nuisance. The existing 2.5m high periphery fencing and landscape belt provide screening effect to the environment. No significant impacts on visual, landscape, traffic, environment and drainage are anticipated. The applicant will comply with the approval conditions should the application be approved by the Board.
- (c) Similar uses for open storages, port back-up activities and warehouses, which are either existing use or always permitted uses under the adjoining “Industrial (Group D)” zone. The proposed temporary use is considered compatible with the surrounding environment.

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

The applicant is not a “current land owner” of the Site 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.31A) by publishing notices in local newspapers and posting notice in a prominent position on or near the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the portion of GL, the “Owner’s Consent/Notification” Requirements is not applicable.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Application

There is no similar application within the “CDA” zone in the vicinity of the Site in the past five years.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a to A-4c)

7.1 The Site is:

- (a) used for the applied use without planning permission; and
- (b) accessible to San Tam Road through Ching Yau Road and Chuk Yau Road.

7.2 The surrounding land uses are rural in character intermixed with warehouse, open storage, residential dwellings and woodland:

- (a) to the immediate north is an open storage of construction materials and to the further north across Chuk Yau Road is a car beauty and warehouse;
- (b) to the east and southeast is open storage yards;
- (c) to the south and southwest is residential dwellings and woodland; and
- (d) to the west is the “Village Type Development” zone of Sheung Chuk Yuen with residential dwellings, homes care centre, home for the aged and vegetable sale cooperation.

8. Planning Intention

The planning intention of the “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. Comments from Relevant Government Departments

Apart from the government department as set out in paragraph 9.1 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 II** and **III** respectively.

9.1 The following government department has concerns on the application.

Railway Development

9.1.1 Comments of the Chief Estate Surveyor/Railway Development, LandsD (CES/RD, LandsD):

The Site may be affected by the proposed Northern Link (NOL) project. His office has reservation on the application from land acquisition point of view.

10. Public Comments Received During Statutory Publication Period

On 9.8.2022, the application was published for public inspection. During the three weeks of the statutory public inspection period, which ended on 30.8.2022, a total of 3 public comments were received from 2 individuals and the village representative of San Wai Tsuen objecting to or raising concerns on the application on grounds that the proposed temporary use will create traffic issue, environmental pollution, noise impact and increase fire risk thereby affecting the safety and living quality of the local residents; and not in line with the planning intention of “CDA” zone (**Appendix IV**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of plywood for a period of 3 years at the Site which falls within an area zoned “CDA”. The planning intention of “CDA” zone is for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. Although the applied use is not in line with the planning intention of “CDA”, the proposed use is temporary in nature and would not jeopardize the long term planning intention of the “CDA” zone. While CES/RD of LandsD has reservation on the application from land acquisition perspective as the Site may be affected by the proposed NOL project, CE/RD2-2, RDO of HyD has no comment noting that the applicant is willing to terminate the applied use when the Government needs to acquire the Site. Should the application be approved, an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the NOL implementation is recommended.

11.2 The applied temporary use is considered not incompatible with the surrounding land uses which are rural in character and intermixed with warehouse, open storage and residential dwellings (**Plan A-2**).

- 11.3 The applicant has submitted the proposed drainage plan and as-planted landscape and tree preservation plan to support the current application (**Appendix Ia**) and no adverse comments are received from the concerned government departments including CE/MN of DSD, CTP/UD&L, D of FS, C for T and DAFC and DEP. Besides, the applicant states that the Site is currently fenced off to provide screening of site activities. To avoid any potential influence to the surrounding area, storage activities will be carried out in a fully enclosed structure and no workshop activities are proposed at the Site. To further mitigate any potential environmental impacts on the surrounding areas, approval conditions on operation hour restrictions, implementation of drainage proposal and submission and implementation of FSIs proposals are recommended in paragraph 12.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. In addition, the applicant should also be advised to follow “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize the possible environmental impacts.
- 11.4 Regarding the three public comments received raising objection/concerns on the application 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 assessments made in paragraph 11 and have taking into account the public comments in paragraph 10, the Planning Department considers that the temporary warehouse for storage of plywood 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 three years until 23.9.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m. daily, 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 vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) 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 23.6.2023;

- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a fire service installation 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 23.3.2023;
- (g) in relation to (f) 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 23.6.2023;
- (h) if any of the above planning condition (a), (b), (c) or (e) 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
- (i) if any of the above planning condition (d), (f) or (g) 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 III**.

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

the temporary development is not in line with the planning intention of "CDA" zone which is for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. There is no strong justification in the submission for 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

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| Appendix I | Application Form received on 1.8.2022 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix Ib | FI received on 8.9.2022 |
| Appendix II | Government departments' general comments |
| Appendix III | Recommended advisory clauses |
| Appendix IV | Public Comments |
| Drawing A-1 | Proposed Layout Plan |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4c | Site Photos |

**PLANNING DEPARTMENT
SEPTEMBER 2022**