

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

APPLICATION NO. A/YL-PH/1009

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lots 1864 RP (Part), 1865 (Part), 1866 (Part), 1867 (Part), 1868 (Part), 3047 (Part) and 3048 (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 3,650 m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site) which falls within an area zoned “AGR” on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1a**). According to the covering Notes of the OZP, temporary use of any land not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with a valid planning permission under the previous application No. A/YL-PH/885. All the approval conditions had been complied with and the planning permission is valid until 7.8.2024.
- 1.2 According to the information provided by the applicant, there is no change to the applied use and site area / boundary as approved under the last application No. A/YL-PH/885. The ingress/egress is located at the western boundary of the Site and the Site is accessible to Kam Tin Road via a local track (**Plans A-1a and A-2**). Two parking spaces for private car and light goods vehicle are provided at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from 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, is involved in ten previous applications (details in paragraph 6 below). The application was submitted by the same applicant as the last three applications No. A/YL-PH/719, 782 and 885 for the same applied use.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with supplementary information received (**Appendix I**) on 24.4.2024
 - (b) Further Information (FI) received on 12.7.2024* (**Appendix Ia**)
** accepted and exempted from publication and recounting requirements*
- 1.5 On 21.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agree 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, supplementary information and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The current application is for renewal of the permission under the last application No. A/YL-PH/885 with no major change in the proposal. There had been no complaint from government departments, and the applicant has complied with all the planning approval conditions.
- (b) The applied use is temporary in nature. No dismantling, maintenance, repairing, cleaning, paint-spraying or workshop-related activity will be carried out at the Site. Heavy vehicles exceeding 5.5 tonnes will not be allowed to park/enter the Site. Only minimum traffic trips are anticipated and there would be no significant adverse traffic impact.
- (c) Existing drainage facilities implemented at the Site will be maintained and sufficient fire extinguishers will be provided.
- (d) No structure, storage or car parking would encroach on the waterworks reserve area along the eastern boundary of the Site (**Drawing A-1**).

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 notices to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Member's inspection.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 2 areas under TPB PG-No. 13G. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 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 also relevant to this application. The relevant extract of the Guidelines is 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, in part or in whole, is involved in ten previous applications (No. A/YL-PH/99, 235, 255, 330, 575, 659, 698, 719, 782 and 885). Applications No. A/YL-PH/99, 255, 330 and 575 were for temporary composting uses which are not relevant to the current application.
- 6.2 Application No. A/YL-PH/235 (covering a much larger site area) and application No. A/YL-PH/698 (involving a different site configuration) straddled between the “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones to the north of the Site both for temporary open storage uses were rejected by the Committee or the Board on review in 1998 and 2015 respectively, mainly on the grounds that the proposed use was not in line with the planning intentions of the “AGR” and “V” zones; it did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; and there was insufficient information to demonstrate that the proposed use would not generate adverse environmental, traffic, drainage or landscape impacts on the surrounding areas.
- 6.3 The remaining four applications (No. A/YL-PH/659, 719, 782 and 885) for temporary open storage of construction materials (including two renewals of temporary approvals) were approved with conditions by the Committee between 2013 and 2021, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding land uses; the proposed use complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses; and there was no adverse departmental comment or their technical concerns could be addressed by relevant approval conditions. The planning permission under application No. A/YL-PH/659 was revoked in 2013 due to non-compliance with the approval conditions.
- 6.4 Compared with the last approved application No. A/YL-PH/885, the current application is submitted by the same applicant and is the same in terms of the

applied use, site area/boundary and major development parameters but with a slight adjustment to the layout by shifting the landscape planters away from the waterworks reserve on the eastern boundary. All the approval conditions under application No. A/YL-PH/885 had been complied with and the planning permission is valid until 7.8.2024.

- 6.5 Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are nine similar applications (No. A/YL-PH/803, 805, 834, 865, 873, 914, 916, 941 and 945), involving five sites, for various temporary open storage uses (including four renewals of temporary approvals) within the same “AGR” zone/straddling between the “Open Storage” (“OS”) and “AGR” zones in the vicinity of the Site in the past five years. All these applications were approved with conditions by the Committee between April 2019 and December 2023 on the similar considerations as stated in paragraph 6.3 above. The planning permissions under applications No. A/YL-PH/803, 865 and 873 were revoked in 2021 and 2023 due to non-compliance with approval conditions.
- 7.2 Details of the similar applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) currently fenced-off, paved, and used for the applied use with valid planning permission under application No. A/YL-PH/885; and
 - (b) accessible from Kam Tin Road via local tracks.
- 8.2 The surrounding areas are mainly rural in character intermixed with warehouses and open storage/storage yards (all without valid planning permission except for the sites under applications No. A/YL-PH/914 and 941), parking of vehicles (including two sites with valid planning permissions under applications No. A/YL-PH/989 and 991), office (with valid planning permission under application No. A/YL-PH/886), plant nursery and residential dwellings/structures.

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 V and VI** respectively.

10.2 The following government department has reservation on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) it is noted that no structure was proposed in the application; and
- (c) LandsD has reservation on the planning application since there are unauthorised building works and/or uses on Lots Nos. 1864 RP and 1866 both in D.D. 111 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD.

11. Public Comment Received During Statutory Publication Period

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

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning permission for temporary open storage of construction materials for a period of three years at the Site zoned “AGR” (**Plan A-1a**). 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. Whilst the applied use is not in line with the planning intention of the “AGR” zone, DAFC has no strong view against the application considering that the previous application for the same use was approved. Taking into account the planning assessments below, the applied use on a temporary basis for a further period of three years could be tolerated.

12.2 The applied use is not incompatible with the surrounding land uses which are rural in character intermixed with warehouses, open storage/storage yards, parking of vehicles, office, plant nursery and residential dwellings/structures. The Chief

Town Planner/Urban Design and Landscape of the Planning department (CTP/UD&L, PlanD) considers that significant adverse landscape impact arising from the applied use is not anticipated and has no objection to the application from landscape planning perspective.

- 12.3 The Site falls within Category 2 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three 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. 13G as well as TPB PG-No. 34D in that the relevant departments consulted, including the Commissioner for Transport, the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North of the Drainage Services Department and the Director of Fire Services have no objection to or no adverse comment on the application; all the approval conditions under the last application No. A/YL-PH/885 had been complied with; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in the planning circumstances since the granting of the previous approval. 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” issued by DEP to minimise the possible environmental nuisance generated by the applied use.
- 12.5 The site is the subject of four approved previous applications as stated in paragraph 6.3 above and there are nine approved similar applications in the vicinity in the past five years as stated in paragraph 7.1 above. Considerations of approving these four previous applications and nine similar applications are applicable to the current application and thus approving the current application is in line with the Committee’s previous decisions on the approved applications.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department 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 8.8.2024 to 7.8.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities are allowed on the site at any time during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a), (b) or (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
- (e) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are 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 approval.
- 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 24.4.2024
Appendix Ia	FI received on 12.7.2024
Appendix II	Relevant extract of TPB PG-No. 13G
Appendix III	Relevant extract of TPB PG-No. 34D
Appendix IV	Previous and similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2024**