

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

APPLICATION NO. A/YL-PH/1011

<u>Applicant</u>	:	Chief Force Limited
<u>Site</u>	:	Lot 1863 RP (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 201m 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>	:	“Open Storage” (“OS”) (about 71%) “Village Type Development” (“V”) (about 29%)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Office for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary office for a period of three years. The Site falls within areas zoned “OS” (71%) and “V” (29%) on the approved Pat Heung OZP No. S/YL-PH/11 (**Plan A-1**). 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 valid planning permission under the previous application No. A/YL-PH/886 valid until 7.9.2024 (**Plans A-2 to A-4b**). All the approval conditions under the previous application had been complied with.
- 1.2 According to the applicant, the applied use involves a two-storey temporary structure composed of containers and shelter shed with a total height of about 5m and floor area of about 226m² for office use. No vehicle parking or loading/unloading space 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 Site is accessible from Kam Tin Road via local tracks (**Plans A-1 and A-2**). The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in two previous applications (details under paragraph 6 below). Compared with the last approved application No. A/YL-PH/886, the current application is submitted by the same applicant and is the same in terms of applied use, site area/boundary, layout and major development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) application form with supplementary information received (**Appendix I**) on 9.5.2024 and 14.5.2024
 - (b) Further Information (FI) received on 20.6.2024* (**Appendix Ia**)
 - (c) FI received on 8.7.2024* (**Appendix Ib**)
- * accepted and exempted from publication and recounting requirements*
- 1.5 On 5.7.2024, the Rural and New Town Planning Committee (the Committee) of the Board 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, supplementary information and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The applied use provides office space to support the users/operators of open storages in the nearby “OS” zone, given the lack of land for such use in the vicinity and the increasing demand in the area. Only temporary structures are involved within the Site and there will be no domestic use.
- (b) There was no adverse comment from government departments nor public complaint during the approval period under the previous application No. A/YL-PH/886, and the applicant has complied with all the approval conditions under the previous application.
- (c) The applicant has submitted Short Term Waiver (STW) application to the Lands Department (LandsD) to regularise the structures erected within the subject lot.

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 Member’s inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on 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. 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 is involved in two previous applications (No. A/YL-PH/787 and 886) submitted by the same applicant for the same applied use as the current application (application No. A/YL-PH/886 is for renewal of the permission under application No. A/YL-PH/787). Both applications were approved with conditions by the Committee in September 2018 and August 2021 respectively mainly on the considerations that temporary approval would not frustrate the long-term planning intentions of “OS” and “V” zones; the applied use was not incompatible with the surrounding land uses; and the departments consulted generally had no adverse comment or their technical concerns could be addressed by relevant approval conditions.
- 6.2 Compared with the last approved application (No. A/YL-PH/886), the current application is the same in terms of site area/boundary, layout and major development parameters. All the approval conditions had been complied with and the planning permission is valid until 7.9.2024.
- 6.3 Details of the previous applications are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

7. Similar Application

- 7.1 There is one similar application (No. A/YL-PH/884) for temporary site office within the same “V” zone in the vicinity of the Site in the past five years. It was a renewal application and it was approved with conditions by the Committee in July 2021 on the similar considerations as mentioned in paragraph 6.1 above.
- 7.2 There is no similar application within the same “OS” zone in the vicinity in the past five years.
- 7.3 Details of the similar application are summarised in **Appendix III** and the locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) erected with a two-storey temporary structure used for the applied use with valid planning permission under the previous application No. A/YL-PH/886; and
- (b) accessible from Kam Tin Road via local tracks.

8.2 The surrounding areas are rural in character intermixed with residential dwellings/structures, plant nursery, warehouse, open storage/storage yards, parking of vehicles and workshops. Except for the warehouse and open storage/storage yards within the “OS” zone which are always permitted within the zone; and the sites with valid planning permissions under applications No. A/YL-PH/885 and 941 (both for temporary open storage) and applications No. A/YL-PH/938 and 989 (both for temporary vehicle park), other open storage/storage yards, parking of vehicles and workshops are without valid planning permission.

9. Planning Intentions

- 9.1 The planning intention of the “OS” zone is intended primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.
- 9.2 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 reprovisioning 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 Houses. Other commercial, community and recreational uses may be permitted on application to the Board.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2, 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 IV and V** respectively.
- 10.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) he has adverse comment;
- (b) the Site comprises Old Schedule Agricultural Lot No. 1863 RP in D.D. 111 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;
- (c) LandsD has reservation on the planning application since there are unauthorised structures and uses on the private lot which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD;
- (d) if the planning application is approved, the lot owner(s) shall apply to his office for a STW to permit the structure(s) erected within the said private lot. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (e) there is no Small House application approved or under processing within the Site.

11. Public Comment Received During 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 planning approval for temporary office for a period of three years at the Site zoned “OS” (71%) and “V” (29%) (**Plan A-1**). The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses, and it provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. 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 reprovisioning of village houses affected by Government projects, and land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. The applied use is not in line with the planning intentions of both “OS” and “V” zones. According to the applicant, the applied use is to support the users/operators in the nearby “OS” zone. Regarding the “V” zone,

there is no Small House application approved or under processing within the Site according to DLO/YL, LandsD. It is considered that temporary approval of the application for a further period of three years would not frustrate the long-term planning intentions of the “OS” and “V” zones.

- 12.2 The applied use is considered not incompatible with the surrounding land uses intermixed with residential dwellings/structures, warehouse, open storage/storage yards and parking of vehicles. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact arising from the applied use is anticipated.
- 12.3 DLO/YL, LandsD has adverse comment on the application in view of unauthorised structures and uses on the concerned lot. In this regard, the applicant states that STW application for the structures erected at the Site has been submitted to LandsD. An advisory clause on the need for rectifying or regularising the unauthorised structures and uses with LandsD is also recommended should the Committee approve the application.
- 12.4 Other relevant government departments consulted including the Commissioner for Transport, the Director of Environmental Protection, 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. 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 the Environmental Protection Department to minimise any potential environmental nuisance.
- 12.5 The application is generally in line with TPB PG-No. 34D in that all the approval conditions under the previous application No. A/YL-PH/886 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.
- 12.6 There are two approved previous applications for the same applied use at the Site and one approved similar application in the vicinity of the Site as mentioned in paragraphs 6.1 and 7.1. Approving the current application is in line with the Committee’s previous decisions.

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 8.9.2024 to 7.9.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the implemented fire service installations on the site shall be maintained in efficient working order at all times during the planning approval period; and
- (c) if any of the above planning condition (a) or (b) 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 reject 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 supplementary information received on 9.5.2024 and 14.5.2024
Appendix Ia	FI received on 20.6.2024
Appendix Ib	FI received on 8.7.2024
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous and similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses

Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
JULY 2024**