

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/1033

- Applicant** : Fortune Maker Investment Limited represented by R-riches Property Consultants Limited
- Site** : Lot 1459 S.B (Part) in D.D. 111 and Adjoining Government Land (GL), Pat Heung, Yuen Long
- Site Area** : About 222m² (including GL of about 116m² or 52.3%)
- Land Status** : Block Government Lease (demised for agricultural use) (47.7%)
- Plan** : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
- Zoning** : “Open Storage” (“OS”)
- Application** : Proposed Temporary Office for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary office for a period of three years at the application site (the Site), which falls within an area zoned “OS” on the OZP (**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 occupied by temporary structures for shop and services with a valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tin Road (**Plan A-1b**). According to the applicant, the proposed use involves two 2-storey structures with a building height of not exceeding 7m and a total gross floor area of not more than 314m² for two offices with ancillary toilets. No vehicular ingress/egress, parking space and loading/unloading bay will be provided within the Site. The proposed operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, and no operation on Sundays and public holidays. It is estimated that there will be six staff members working at the Site. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application Form with Supplementary Statement (**Appendix I**)
received on 10.10.2024
- (b) Further Information (FI) received on 27.11.2024* (**Appendix Ia**)

** 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 with Supplementary Statement and FI at **Appendices I** and **Ia**, and can be summarised as follows:

- (a) The proposed temporary office is intended to provide indoor workspace for administrative staff to support the daily operation of the applicant's business in relation to investment industry.
- (b) The proposed use is on a temporary basis. It will not jeopardise the long-term planning intention of the "OS" zone but can better utilise land resources. It is considered not incompatible with the surrounding land uses mainly predominated by brownfield operations.
- (c) There are similar applications for the same office use within the "OS" zones on the OZP which were approved by the Board. The approval of the current application would not set an undesirable precedent within the "OS" zone.
- (d) The proposed use will not cause any adverse impact on drainage, environmental and fire safety aspects, and will not create significant nuisance to the surrounding areas. Fire service installations (FSIs) and drainage proposals are submitted in support of the current application.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Member's inspection.

4. Background

The Site is not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 The Site, in part or in whole, is the subject of three previous planning applications (No. A/YL-PH/34, 807 and 921). Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1b**.

- 5.2 Application No. A/YL-PH/34 involving a larger site for in-situ improvement works to an existing open storage was approved by the Rural and New Town Planning Committee (the Committee) in January 1996. Another two applications (No. A/YL-PH/807 and 921) for temporary shop and services use submitted by the same applicant as the current application were approved with conditions by the Committee in July 2019 and July 2022 respectively, but the planning permission under application No. A/YL-PH/807 was revoked due to non-compliance with approval conditions. The considerations of these three planning applications are not relevant to the current application which involves a different use.

6. Similar Application

There is one similar application (No. A/YL-PH/911) for temporary office use within the “OS” zone in the vicinity of the Site in the past five years. It was approved with conditions by the Committee on 22.4.2022 mainly on the considerations that the temporary approval would not frustrate the long-term planning intention of the “OS” zone; the proposed use was not incompatible with the surrounding uses; and the concerned government departments consulted in general had no adverse comment or their technical concerns could be addressed by relevant approval conditions. Details of the similar application is summarised in **Appendix III** and the location is shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently occupied by temporary structures for shop and services with a valid planning permission; and
- (b) accessible from Kam Tin Road.

7.2 The surrounding areas are rural in character comprising mainly open storage/storage yards intermixed with vehicle/machinery repair workshops, residential structures, a detergent workshop (with valid permission under application No. A/YL-PH/973), a shop, a dog kennel and vacant land.

8. Planning Intention

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. It is also intended to provide for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises.

9. Comments from Relevant Government Departments

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.

10. Public Comment Received During Statutory Publication Period

On 18.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received expressing that the approval conditions of the previous approval at the Site (No. A/YL-PH/921) were not complied with and hence, further approval should not be granted (**Appendix VI**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary office for a period of three years at the Site zoned “OS” (**Plan A-1a**). 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. It is also intended to provide for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. Whilst the proposed use is not in line with the planning intention of “OS” zone, according to the applicant, it could provide indoor workspace to support the daily operation of the applicant’s businesses in relation to the investment industry. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “OS” zone.
- 11.2 The proposed use is considered not incompatible with the surrounding land uses which are rural in character comprising mainly open storage/storage yards intermixed with vehicle/machinery repair workshops, residential structures, a detergent workshop, a shop, a dog kennel and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) considers that significant landscape impact arising from the proposed use is not anticipated.
- 11.3 Other relevant government departments consulted, including the Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, have no objection to or adverse comment on the application from fire safety and drainage perspectives respectively. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 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 the possible environmental nuisance caused by the proposed use on the surrounding areas.
- 11.4 There is one approved similar application for temporary office use in the vicinity of the Site as detailed in paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.

- 11.5 Regarding the public comment mentioned in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and taking into account the public comment mentioned in paragraph 10 above, PlanD considers that the proposed use could be tolerated for a period of three 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 6.12.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised 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 6.6.2025;
- (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 6.9.2025;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 6.6.2025;
- (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 6.9.2025;
- (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 at **Appendix V**.

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

the proposed use is not in line with the planning intention of the "OS" zone, which is 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. No strong planning justification has been given 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

Appendix I	Application Form with Supplementary Statement received on 10.10.2024
Appendix Ia	FI received on 27.11.2024
Appendix II	Previous Applications
Appendix III	Similar Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos