

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/906

<u>Applicant</u>	: 京王工程有限公司 represented by Mr. LEE Wai Leung
<u>Site</u>	: Lot 644 in D.D. 111, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	: About 1,340.4 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan No. S/YL-PH/11
<u>Zonings</u>	: “Open Storage” (“OS”) (about 48%) “Village Type Development” (“V”) (about 52%) [restricted to a maximum building height of 3 storeys (8.23m)]
<u>Application</u>	: Temporary Warehouse for Storage of Hydroelectric Engineering Construction Material for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application Site (the Site) for temporary warehouse for storage of hydroelectric engineering construction material for a period of 3 years (**Plan A-1**). According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ is always permitted in the “OS” zone but it is neither a Column 1 nor Column 2 use in the “V” zone. According to the covering Notes of the OZP, temporary use or development 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 formed, paved and used for open storage of hydroelectric engineering construction material without planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the development involves the erection of a 1-storey structure covering the whole site (**Drawing A-1**) with building height of about

10m and floor area of about 1340.4m² for storage area (about 600.3m² or 45%), vehicle parking and vehicular circulation space. One private car parking space and one medium goods vehicle parking space will be provided at the Site. The operation hours for the temporary warehouse will be between 8:00 a.m. and 6:00 p.m. Mondays to Saturdays, not including Sundays and public holidays. The site layout plan submitted by the applicant is at **Drawing A-1**. There is no previous application covering the Site.

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

- (a) Application form with supplementary information (Appendix I)
received on 5.1.2022
- (b) Further Information (FI) received on 23.2.2022 in (Appendix Ia)
response to departmental comments
[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 application form, supplementary information and FI at **Appendices I and Ia**. They can be summarized as follows:

- (a) The applicant is operating a business on hydroelectric engineering and a warehouse for storage of the hydroelectric engineering construction material is needed for supporting the business. The Site is only for storage use and no other uses is proposed on the Site.
- (b) The Site can be accessed via a local track branching off from Wang Toi Shan Shan Tsuen Road.

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 currently not subject to any active planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is no similar application for temporary warehouse within the same “V” zone in the vicinity of the Site in the past five years on the OZP.

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

7.1 The Site is:

- (a) formed, paved and currently used for storage of hydroelectric engineering construction material without planning permission; and
- (b) accessible via a local track branching off from Wang Toi Shan Shan Tsuen Road.

7.2 The surrounding areas are rural in character intermixed with open storage / storage yards, vehicle repair workshops, parking of vehicles, warehouses, residential dwelling/structures and woodland:

- (a) to its east and south within the same “OS” zone are open storage / storage yards and a warehouse;
- (b) to its west within the same “OS” zone are open storage yards and parking of vehicles; and
- (c) to its north, northwest and northeast within the same “V” zone is an open storage yard, parking of vehicles and woodland. To its further north is residential dwellings/structures (the nearest about 70m to the northwest) and grass land.

8. Planning Intention

The planning intention of the “V” zone is to reflect existing recognized 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 House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

- 9.1 The following government departments have been consulted and their views on the application are summarized as follows:

Land Administration

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

- (a) The Site comprises an Old Schedule Agricultural Lot 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) Should planning approval be given to the application, the lot owner(s) will need to apply to his office to permit the structure(s) to be erected or regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by LandsD acting in the capacity as the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by the LandsD.
- (c) There are no Small House applications currently under processing at the Site and no approved Small House applications at the Site.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the planning application from traffic engineering perspective.

- (b) The Site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto / from public road at any time during the planning approval period.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) HyD shall not be responsible for the maintenance of any access connecting the Site and Wang Toi Shan Shan Tsuen Road.
- (b) Adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no substantiated environmental complaint concerning the Site received by DEP in the past 3 years.
- (b) According to the “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites”, he does not support the application as the proposal will generate traffic of heavy vehicles and the site boundary is within 100m from the nearest residential building (the nearest about 70m to the northwest).
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites” issued by DEP.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in-principle to the proposed development from the public drainage point of view.
- (b) Should the application be approved, approval conditions requiring the submission of a drainage proposal, the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be included in the planning approval.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in-principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorized building works (UBW) under the BO. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) His detailed comments on UBW, provision of access, temporary or licenced structures are at **Appendix III**.

- (c) Detailed checking under the BO will be carried out at building plan submission stage.

District Officer's Comments

- 9.1.8 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

He has not received any locals' comments on the application and has no comment from departmental point of view.

- 9.2 The following government departments have no comment on / no objection to the application:

- (a) Project Manager (West), Civil Engineering and Development Department;
- (b) Director of Electrical and Mechanical Services;
- (c) Chief Engineer/Construction, Water Supplies Department; and
- (d) Commissioner of Police.

10. Public Comment Received During Statutory Publication Period

On 14.1.2022, the application was published for public inspection. During the three-week statutory publication period, a public comment from an individual was received (**Appendix III**) objecting to the application mainly on the grounds that the development would cause adverse impacts on traffic, environment and fire safety and the well-being of the villagers nearby.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of hydroelectric engineering construction materials for a period of 3 years at the Site partly zoned "OS" (about 48%) and partly zoned "V" (about 52%). The applied use is a Column 1 use within the "OS" zone and is always permitted. The applied use is neither a Column 1 nor Column 2 use under the "V" zone, which is intended to reflect existing recognized 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. Whilst the development is not in line with the planning intention of "V" zone, DLO/YL of LandsD advised that there is no Small House application approved or currently under processing at the Site. It is considered that approval of the application on a

temporary basis for 3 years would not frustrate the long-term planning intention of the “V” zone.

- 11.2 The Site is located at the fringe of “V” zone and straddles a large area zoned “OS”. The warehouse use within the 1-storey structure is considered not incompatible with the surrounding land uses which are rural in character intermixed with open storage/storage yards, warehouse, parking of vehicles, residential dwellings/structures (the nearest about 70m to the northwest) and woodland.
- 11.3 Relevant departments consulted including C for T, CE/MN of DSD and D of FS have no adverse comment on the application. While DEP does not support the application as there are sensitive receivers, i.e. residential dwellings located in the vicinity (with the nearest one about 70m to the northwest) (**Plan A-2**) and the applied use will involve traffic of heavy vehicles, the vehicular access to and from the Site is within the “OS” zone and does not need to pass through the nearby residential dwellings / structures in the “V” zone. Moreover, there has been no environmental complaint received in the past three years in respect to the Site. In order to minimize any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. In addition, should the application be approved, the applicant will be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact.
- 11.4 The Site is not involved in any previous application and there is no similar application for temporary warehouse within the same “V” zone in the vicinity of the Site.
- 11.5 A public comment was received during the statutory publication period objecting to the application as stated in paragraph 10 above. In this regard, the departmental comments and planning considerations and assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse for storage of hydroelectric engineering construction material 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

4.3.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the Site at any time during the planning approval period;
- (b) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (c) 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 4.9.2022;
- (d) in relation to (c) 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 4.12.2022;
- (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 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 4.9.2022;
- (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 4.12.2022;
- (h) if any of the above planning condition (a), (b) 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 (c), (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 at **Appendix III**.

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

the development is not in line with the planning intention of the "V" zone which is to reflect existing recognized 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. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 Information received on 5.1.2021
Appendix Ia	FI received on 23.2.2022
Appendix II	Public Comment
Appendix III	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2022**