

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/908

<u>Applicant</u>	: Sing Tat Engineering Hong Kong Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 22 (Part) and 24 (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	: About 1,640m 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>	: “Residential (Group D)” (“R(D)”) [Maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
<u>Application</u>	: Proposed Temporary Storage of Construction Materials with Ancillary Office for a Period of 3 Years and Land Filling

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary storage of construction materials with ancillary office for a period of 3 years and filling of land. The Site is zoned “R(D)” on the OZP and the proposed use is neither a Column 1 nor Column 2 use in the “R(D)” 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. Filling of land in the “R(D)” zone also requires planning permission from the Board. The Site is currently vacant, paved and partly deposited with some construction materials (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development involves the erection of three one-storey structures (about 8.23m high) with a total floor area of about 579m² for covered storage of construction materials, loading/unloading and ancillary office uses. Three private car parking spaces, one loading/unloading space each for light goods vehicle and medium goods vehicle will be provided at the Site. The operation hours of the Site are between 9:00 a.m. to 6:00 p.m.

Mondays to Saturdays, excluding Sundays and public holidays. The Site will be paved by concrete by not more than 0.2m in depth (from +34.6mPD to +34.7mPD for circulation, car parking / unloading/unloading, and from +34.6mPD to +34.8mPD for site formation of structures). There will be no workshop activities carried out within the Site. The site layout plan and paved ratio plan submitted by the applicant are shown on **Drawings A-1 and A-2**.

- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with supplementary information (**Appendix I**) received on 16.2.2022
 - (b) Further Information (FI) received on 28.4.2022 (**Appendix Ia**)
- 1.4 In light of the COVID-19 pandemic and the special work arrangement for government departments, the Rural and New Town Planning Committee (the Committee) agreed to defer consideration of the application on 1.4.2022. The application is now scheduled for consideration by the Committee at this meeting.

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**, which could be summarised as follows:

- (a) The Site has been used for storage purpose before the first publication in the Gazette of the notice of the Interim Development Permission Area (IDPA) plan in 1990. After clearance of the structures on-site, the applicant applies to put up new structures for storage of construction materials and filling of land as required under the Notes of the OZP.
- (b) Filling of land is required for providing stronger ground reinforcement to stabilize the existing soiled ground and prevent erosion from surface run-off. The land filling area and number of structures to be erected have been kept to the minimal for meeting its operational need.
- (c) The proposed development will not result in adverse traffic, environmental, landscape and drainage impacts. The applicant would comply with all the planning conditions should the application be approved.
- (d) The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' by the Environmental Protection Department (EPD) to minimize all possible environmental impacts. The 'Professional Persons Environmental Consultative Committee Practice Notes' (ProPECC PNs) will also be followed for sewage treatment within the Site.

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. 31) by posting a notice at the Site and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is not the subject of any active planning enforcement action.

5. **Previous Application**

There is no previous application covering the Site.

6. **Similar Application**

There is no similar application within the same “R(D)” zone on the OZP.

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

7.1 The Site is:

- (a) vacant and paved, mostly fenced and partly deposited with some construction materials; and
- (b) accessible from Fan Kam Road via a short local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its north, east and south are residential structures / dwellings, open storage yards with no valid planning permissions, and vacant land / structure; and
- (b) to its further west across Fan Kam Road is the Junior Police Call Permanent Activity Centre and Integrated Youth Training Camp (JPC@Pat Heung) (八鄉少訊中心) (**Plan A-3**); and
- (c) to its further northeast are some graves and to its further north and east is woodland zoned “Conversation Area” on the OZP (**Plans A-1 and A-2**).

8. **Planning Intention**

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low density residential developments subject to planning permission from the Board.

9. **Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 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 II and III** respectively.

9.2 The following government department has objection to / reservation on the application:

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) 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 5m to the north);
- (b) there was no environmental complaints against the Site during the past three years; and
- (c) DEP’s other advisory comments are provided in the Recommended Advisory Clauses in **Appendix III**.

10. **Public Comments Received During Statutory Publication Period (Appendix IV)**

The application was published for public inspection. During the statutory public inspection period, 2 public comments were received. Two individuals object to the application mainly on the grounds that the proposed development would cause adverse impacts on traffic, environment and fire safety thus affecting the well-being of the villagers nearby; and the proposed use is not in line with the planning intention.

11. **Planning Considerations and Assessments**

11.1 The application is for proposed temporary storage of construction materials with ancillary office for a period of 3 years and filling of land (by a maximum of about 0.2m in depth) at the Site zoned “R(D)”. The planning intention of

the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Whilst the proposed use is not in line with the planning intention of the “R(D)” zone, there is no known programme for long-term development of the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term planning intention of the Site. Filling of land within the “R(D)” zone requires planning permission from the Board. In this regard, CE/MN of DSD and DEP have no adverse comment on the proposed land filling from the drainage and environmental perspectives.

- 11.2 The proposed use is considered not incompatible with the surrounding areas which is rural in character intermixed with open storage yards, residential structures / dwellings, vacant structure, GIC facilities 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 5m to the north) (**Plan A-2**) and the applied use will involve traffic of heavy vehicles, the vehicular access to / from the Site does not need to pass through the residential dwellings nearby (**Plan A-2**) and there was 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 Regarding the public comments on the application as detailed in paragraph 10 above, government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taking into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary storage of construction materials and land filling 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 6.5.2025. 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 p.m., 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 heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) 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;
- (e) 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 6.11.2022;
- (f) in relation to (e) 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 6.2.2023;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 6.11.2022;
- (i) in relation to (h) 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 6.2.2023;
- (j) if any of the above planning condition (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning condition (e), (f), (h) or (i) 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 Members' reference:

the development is not in line with the planning intention of the "R(D)" zone which is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There is no strong planning 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

Appendix I	Application form with supplementary information received on 16.2.2022
Appendix Ia	FI received on 28.4.2022
Appendix II	Government departments' general comments
Appendix III	Recommended advisory clauses
Appendix IV	Public comments
Drawing A-1	Site layout plan
Drawing A-2	Paved ratio plan
Plan A-1	Location plan

Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
MAY 2022**