

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/911

<u>Applicant</u>	:	Era Smart Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 1576 (Part) and 1584 S.A ss.2 (Part) in D.D. 111, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 144 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>	:	“Open Storage” (“OS”)
<u>Application</u>	:	Temporary Office 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 office for a period of 3 years (the Site). The Site falls within an area zoned “OS” on the Pat Heung OZP and the applied use is neither a Column 1 nor Column 2 use in the “OS” zone. According to the covering Notes of the OZP, temporary use 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 currently fenced, paved and occupied by a 2-storey compound with storage and office use without planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the development involves a two-storey structure (about 7.2m high) with floor area of about 166m² for office use. No vehicle parking and loading / unloading space is provided on-site. The operation hours of the Site are between 9:00 a.m. to 6:00 p.m. Mondays to Saturdays, with no operation on Sundays and public holidays. It is estimated that there will be 8 staff members working at the Site and no visitors are anticipated. The Site is accessible from Kam Tin Road via a local access. Staff will be required to

access the Site by public transport and walking. The site layout plan submitted by the applicant is shown on **Drawing A-1**.

- 1.3 The Site is involved in five previous planning applications (No. A/YL-PH/143, 144, 234, 750 and 842) for various temporary uses (detailed in paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application form with supplementary information (**Appendix I**) received on 25.2.2022
 - (b) Further Information (FI) received on 19.4.2022 (**Appendix Ia**)

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) A portion of the Site under the last application No. A/YL-PH/842 will be resumed by the Government for proposed road works to upgrade the remaining sections of Kam Tin Road and Lam Kam Road (PWP Item No. 6820TH). The applicant intends to convert the existing structure to office use for nearby business operators.
- (b) The development is temporary in nature and will not set an undesirable precedent for the “OS” zone.
- (c) The development will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas.
- (d) The applicant will provide adequate mitigation measures, i.e. drainage and fire service installations proposals, and follow the Professional Persons Environmental Consultative Committee Practice Notes for sewage treatment at the Site and the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department.

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 notice in a prominent position on or near application 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 planning enforcement case.

5. **Previous Applications**

- 5.1 The Site, in part or in whole, is the subject of five previous applications (No. A/YL-PH/143, 144, 234, 750 and 842) for various temporary uses, including open storage of vehicles, temporary property agency office, temporary real estate agency, car beauty product retail and auto parts retail shops, and renewal of the planning approval granted by the Board. All the applications were approved with conditions by the Committee between November 1997 and June 2020 mainly on the grounds that the developments were generally in line with the planning intention of the "OS" zone; temporary approval would not frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; relevant departments in general had no objection to or no adverse comment; and / or the application were in line with the relevant Town Planning Board Guidelines on applications for open storage and port back-up uses / for renewal of planning approval. The last application No. A/YL-PH/842, for renewal of planning approval for temporary real estate agency, car beauty product retail and auto parts retail shops, was approved by the Committee in June 2020. Nevertheless, the planning permission was revoked on 29.10.2021 due to non-compliance with approval conditions related to the submission and implementation of a run-in/out proposal at Kam Tin Road and the submission of a record of the existing drainage facilities on the Site.
- 5.2 Compared with the last application (No. A/YL-PH/842), the current application is submitted by the same applicant but for a different use with changes in site area / boundary, layout and major development parameters.
- 5.3 Details of the previous applications are summarized in **Appendix II** and their locations are shown on **Plan A-1b**.

6. **Similar Applications**

There are two similar applications (No. A/YL-PH/787 and 886), involving the same site, for temporary office use in the "OS" zone in the vicinity of the Site in the past 5 years (**Plan A-1a**). Both applications including renewal of the planning approval granted by the committee were approved with conditions by the Committee between September 2018 and August 2021 on similar considerations as stated in paragraph 5.1 above. Details of these applications are summarized in **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) hard-paved, fenced and occupied by a 2-storey compound for storage and office use; and
- (b) accessible from Kam Tin Road via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to its west and north are open storage yards, car services, vehicle repair workshops, residential dwellings/structures, a plant nursery and vacant land;
- (b) to its east across Fan Kam Road is Pat Heung Police Station within a site zoned “Government, Institution or Community” on the OZP; and
- (c) to its south across Kam Tin Road are open storage/storage yards, residential dwellings/structures including Fung Ying Villa (豐盈小築) and a site office with valid planning permission (under Application No. A/YL-PH/884).

8. Planning Intention

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularize 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. Comments from Relevant Government Departments

All the 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 III and IV** respectively.

10. Public Comments Received During Statutory Publication Period

The application was published for public inspection. During the statutory public inspection period, no public comments were received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary office for a period of 3 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 regularize the already haphazard proliferation of open storage uses; and provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. It is considered that 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 temporary use under application is considered not incompatible with the surrounding land uses, which are rural in character predominated by open storage/storage yards, workshops, car services, residential dwellings/structures and vacant land. Similar applications had been approved by the Committee in 2018 and 2021 respectively as mentioned in paragraph 6 above (**Plan A-1a**).
- 11.3 According to the applicant, the applied use is for providing office space to serve the nearby business operators. In view of its nature and small scale of the development, it is anticipated that the development would not result in adverse traffic, environmental and drainage impacts on the surrounding areas. Relevant departments consulted, including C for T, DEP and CE/MN of DSD, have no adverse comment on the application. To minimize any potential environmental nuisances and to address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the relevant mitigations and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 11.4 The Site is involved in five previous applications (No. A/YL-PH/143, 144, 234, 750 and 842) for various temporary uses. All the applications were approved by the Committee between November 1997 and June 2020 as stated in paragraph 5.1 above. Nevertheless, the planning permission of the last application (No. A/YL-PH/842) submitted by the same applicant for a different use was revoked on 29.10.2021 due to non-compliance with planning conditions related to the submission and implementation of a run-in/out proposal at Kam Tin Road and the submission of a record of the existing drainage facilities on the Site. In the current application, both the applied use, site layout / boundary and major development parameters are different from that of the previous application.
- 11.5 There are two similar applications involving the same site in the vicinity of the Site (**Plan A-1a**), which were approved with conditions by the Committee on similar considerations as stated in paragraph 5.1 above. Approval of the current application is in line with the Committee’s previous decisions.

11.6 No public comment was received during the statutory publication period.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the temporary office application 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 22.4.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 22.10.2022;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 22.10.2023;
- (d) if the above planning condition (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; and
- (e) if any of the above planning condition (a) or (c) 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 IV**.

- 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 "OS" zone, which is primarily for the provision of land for appropriate open storage uses and to regularize 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with supplementary information received on 25.2.2022
Appendix Ia	FI received on 19.4.2022
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous applications plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
APRIL 2022**