

RNTPC Paper No. A/YL-PH/923
For Consideration by
the Rural and New Town
Planning Committee
on 29.7.2022

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

APPLICATION NO. A/YL-PH/923

<u>Applicant</u>	: Great Treasure International Limited
<u>Site</u>	: Various Lots in D.D. 111 and Adjoining Government Land, Wang Toi Shan, Pat Heung, Yuen Long
<u>Site Area</u>	: About 3,156.4 m ² (including about 384.5 m ² of government land)
<u>Land Status</u>	: (i) Block Government Lease (demised for agricultural use) (about 88% of the Site) (ii) Government Land (about 12% of the Site)
<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>	: Renewal of Planning Approval for Temporary Open Storage (Vehicles, Vehicle Parts and Construction Materials) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to use the application site (the Site) for temporary open storage (vehicles, vehicle parts and construction materials) for a period of 3 years. The Site falls within an area zoned “R(D)” on the Pat Heung OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and paved, and used for the applied use with valid planning

permission under Application No. A/YL-PH/814 (**Plans A-2 to A-4**). All the approval conditions have been complied with and the planning permission is valid until 16.8.2022.

- 1.2 According to the applicant, the development involves three one to two-storey structures (ranging from about 2m to 4.2m high) with a total floor area of about 326m² for a canopy (with structures erected underneath for site office and meeting room), toilet and staff resting room uses. The open area is used for storage of vehicles, vehicle parts and construction materials. No workshop-related activities will be conducted on-site. Two loading / unloading spaces for vehicles under 5.5 tonnes are provided. The operation hours are between 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 a local track. The site layout plan submitted by the applicant is shown on **Drawing A-1**.
- 1.3 The Site is involved in nine previous applications (No. A/YL-PH/111, 230, 295, 357, 547, 589, 660, 729 and 814) for various temporary open storage uses with/without workshop use (details at paragraph 6 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 9.6.2022 and 15.6.2022
 - (b) Further information (FI) received on 19.7.2022 and (**Appendix Ia**) 21.7.2022

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 application intends to continue the development approved under the previous application (No. A/YL-PH/814) at the Site for a further period of 3 years.
- (b) There are no permanent structures erected. Given the temporary nature of the application, the development would not frustrate the planning intention of the Site.
- (c) The development is compatible with the surrounding environment. The development will not induce adverse traffic, environmental and drainage impacts to the surrounding areas.

- (d) The Site is the subject of a number of previous applications approved for various temporary open storage uses in the past. All the approval conditions of the planning permission under the last planning application No. A/YL-PH/814 are complied with.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the “current land owners” and 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 site notice and notifying Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. Regarding the government land portion of the Site, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for 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 assessment criteria are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13F) promulgated on 27.3.2020 are relevant to the application. The Site falls within Category 2 areas under the Guidelines. Relevant extract of the Guidelines is at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of nine previous applications (No. A/YL-PH/111, 230, 295, 357, 547, 589, 660, 729 and 814) for various temporary open storage uses (with/without workshop use). All the applications, except Applications No. A/YL-PH/111 and 230, were approved with conditions by the Committee between September 1999 and August 2019 mainly on the grounds that approval of the applications on a temporary basis would not

frustrate the long-term planning intention; the developments were not incompatible with the surrounding land uses; the applications were in line with the relevant Town Planning Board Guidelines on applications for open storage and port back-up uses, and for renewal of planning approval for temporary use or development; relevant departments in general had no objection and / or their technical concerns could be addressed by appropriate approval conditions. Nevertheless, the planning permissions of Applications No. A/YL-PH/547 and 660 were revoked in December 2008 and November 2015 due to non-compliance with the approval conditions.

- 6.2 Compared with the last Application No. A/YL-PH/814, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, site layout and major development parameters. The planning permission is valid until 16.8.2022 and all the approval conditions are complied with.
- 6.3 Details of the previous applications are summarized in **Appendix IV** and the locations are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are eight similar applications (No. A/YL-PH/765, 776, 789, 810, 821, 831, 878 and 881), involving 5 sites, for various temporary open storage uses within the “R(D)” zone in the vicinity of the Site in the past 5 years. All the applications, except application No. A/YL-PH/821, were approved with conditions by the Committee between April 2018 and July 2021 on similar considerations as stated in paragraph 6.1 above. Application No. A/YL-PH/821 was rejected mainly because the applicant failed to provide sufficient information in the application to demonstrate that the development would not have adverse traffic impact and the application was not complied with the then TPB PG-No. 13E. However, the planning permission of Applications No. A/YL-PH/765, 789 and 810 were revoked between July 2020 and December 2020 due to non-compliance with approval conditions.
- 7.2 Details of these applications are summarized in **Appendix IV** and the locations are shown on **Plan A-1a**.
- 7.3 Apart from the above similar applications which have been considered by the Committee, application No. A/YL-PH/910 (which is same site of applications No. A/YL-PH/789 and 810) for temporary open storage of construction materials and machineries for a period of 3 years within the same “R(D)” zone (**Plan A-1a**) will be considered at the same meeting.

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

8.1 The Site is:

- (a) currently fenced off and paved, and used for the applied use with valid planning permission; and
- (b) accessible from Kam Tin Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its north is a vehicular track leading from Kam Tin Road. To its further north and northeast are open storage yards, a warehouse, a vehicle repair workshop and a grave;
- (b) to its east are a residential dwelling/structure (about 20m in the northeast), an open storage yard, graves and grass land. To its south and further east is an area zoned “Conservation Area” (“CA”) where some graves and grass land could be found; and
- (c) some of the above-mentioned open storage yards and workshop uses (**Plan A-2**) are suspected unauthorized developments subject to enforcement action by the Planning Authority.

9. 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.

10. Comments from Relevant Government Departments

All 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 V and VI** respectively.

11. Public Comment Received During Statutory Publication Period (Appendix VII)

The application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received. The commenter

objects to the application mainly on the grounds that the proposed development would cause pollution and safety risk to the nearby villagers thus affecting their living quality.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary open storage (vehicles, vehicle parts and construction materials) for a period of three years within the “R(D)” zone. The development is not in line with the planning intention of the “R(D)” zone which 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. Nevertheless, there is no known proposal for long-term development at the Site. It is considered that the approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses, which are mainly rural in character intermixed with open storage yards, a warehouse, a vehicle repair workshop, a residential dwelling/structure, graves and grass land. Similar applications for temporary open storage uses are approved by the Board in its vicinity (**Plan A-1a**).
- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.4 The application is generally in line with the TPB PG-No. 13F and 34D in that previous approvals for the same use were granted since 2013 and all approval conditions under the last approved application (No. A/YL-PH/814) have been complied with. The current application submitted by the same applicant is the same as the last approved application in terms of the applied use, site area / boundary, site layout and major development parameters. Relevant departments consulted including C for T, DEP, CE/MN of DSD and D of FS, have no adverse comment on the application and there is no local objection received against the renewal application as conveyed by DO(YL). The applicant has also submitted a drainage proposal and a fire service installations proposal in support of the

application with no adverse comment received from CE/MN of DSD and D of FS. It is envisaged that the development would not cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. Since the approval of the previous applications, there is no major change in the planning circumstances. To minimize any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.

- 12.5 The Site is the subject of 7 approved previous applications for the same or similar temporary open storage use between 1999 and 2019. Besides, there are 7 similar applications for temporary open storage uses within the same “R(D)” zone in the vicinity of the Site approved by the Committee in the past 5 years. Approval of the current renewal application is in line with the Committee’s previous decisions.
- 12.6 A public comment from an individual objecting to the application was received during the statutory publication period as mentioned in paragraph 11 above. In this regard, government departments’ comments and planning considerations and assessments above are relevant.

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 period of 3 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 3 years and be renewed from 17.8.2022 until 16.8.2025. 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 a.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 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;
- (d) no medium or heavy goods vehicles exceeding 5.5 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;

- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of condition records of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 17.11.2022;
- (g) the implementation of the accepted fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.3.2023;
- (h) if any of the above planning condition (a), (b), (c), (d) 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 the above planning condition (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.

[The above approval conditions are the same as those under the planning permission of previous Application No. A/YL-PH/814, except those on conditions related to the traffic, drainage and fire safety aspects, based on relevant departments' comments from C for T, CE/MN of DSD and D of FS.]

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of 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 for renewal of the planning application.
- 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application form with supplementary information received on 9.6.2022 and 15.6.2022
Appendix Ia	FI received on 19.7.2022 and 21.7.2022
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Relevant extract of TPB PG-No. 13F
Appendix IV	Previous and similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Appendix VII	Public comment
Drawing A-1	Site layout plan
Plan A-1a	Location plan with similar applications
Plan A-1b	Previous application plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2022**