

RNTPC Paper No. A/YL-PH/932
For Consideration by
the Rural and New Town
Planning Committee
on 9.12.2022

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

APPLICATION NO. A/YL-PH/932

<u>Applicant</u>	: Ms. LAW Yuk-fong
<u>Site</u>	: Lots 9 (Part) and 10 (Part) in D.D.111, Pat Heung, Yuen Long
<u>Site Area</u>	: About 1,910 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>	: “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 of Vehicles and Landscape Plant Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue to use the application site (the Site) for temporary open storage of vehicles and landscape plant 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/817 (**Plans A-2 to A-4**). All the approval conditions have been complied with and the planning permission is valid until 9.12.2022.
- 1.2 According to the applicant, the development involves four one to two-storey structures (ranging from about 2.6m to 6.6m high) with a total floor area of about

245.58m² for site office, storerooms and washroom uses. No workshop-related activities will be conducted on-site. Vehicles not exceeding 30 tonnes including lorries with water tank (but excluding container vehicles) will be stored at the Site. Two parking spaces for private cars, seven parking spaces for heavy goods vehicles (HGVs) and a loading/unloading space for HGVs are provided at the Site. The operation hours are between 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The Site is accessible from Fan Kam Road via a local track. The site layout and vehicle parking plans submitted by the applicant are shown on **Drawings A-1 and A-2**.

1.3 The Site is the subject of seven previous applications (detailed in paragraph 6 below) for various temporary open storage uses. The current application submitted by the same applicant is the same as the last approved application No. A/YL-PH/817 in terms of the applied use, site area / boundary, layout and major development parameters.

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

- (a) Application form with supplementary information (**Appendix I**) received on 13.10.2022 and 19.10.2022

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form and supplementary information at **Appendix I**. They can be summarized as follows:

- (a) The current renewal application will enable the applicant to continue manage and maintain the Site in good order. The existing drainage, landscape and fire service installations facilities have been properly maintained. The applicant undertakes to comply with the approval conditions if the application is approved.
- (b) There is no change to the development in terms of the applied use, site area / boundary, layout, major development parameters and operation details of the development.

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. 31A) by obtaining consent from one of the current land owners

and notifying the other land owners. Detailed information would be deposited at the meeting for Members' inspection.

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 active planning enforcement action.

6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of 7 previous applications (No. A/YL-PH/351, 396, 460, 692, 728, 738 and 817) for various temporary open storage uses or renewal of the planning permission granted by the Board. All the applications, except Application No. A/YL-PH/460, were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2000 and 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/351, 396, 692 and 728 were revoked due to non-compliance with the approval conditions. Application No. A/YL-PH/460, with its site falling within Category 3 area at the time of application, was rejected as there was insufficient information in the submission to demonstrate that the development would not have adverse drainage impact on the surrounding areas; and it was not in line with the relevant Town Planning Board Guidelines for open storage

and port back-up uses, and the two previous planning approvals had both been revoked due to non-compliance with approval conditions.

- 6.2 Compared with the last approved Application No. A/YL-PH/817, the current application submitted by the same applicant is the same in terms of the applied use, site area / boundary, layout and major development parameters. The planning permission is valid until 9.12.2022 and all the approval conditions have been 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 four similar applications (No. A/YL-PH/757, 781, 855 and 883), involving two 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 were approved with conditions by the Committee between October 2017 and July 2021 on similar considerations as stated in paragraph 6.1 above.
- 7.2 Details of these applications are summarized in **Appendix IV** and the locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
 - (a) paved and currently used for the applied use with valid planning permission; and
 - (b) accessible from Fan Kam Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
 - (a) to its south are an open storage yard covered by valid planning permission under Application No. A/YL-PH/855, a plant nursery and vegetated land within the “Village Type Development” zone;
 - (b) to its west and northwest are vegetated land and to its further west across Fan Kam Road are an open storage yard, a warehouse and the Hong Kong Police Force JPC Permanent Activity Centre and Integrated Youth Training Camp;

- (c) to its east are a stream course, plant nurseries, residential structures/dwellings (the nearest about 10m) and vacant land; and
- (d) to its north across a local access are a residential structure/dwelling, open storage yards (one of which with valid planning permission under application No. A/YL-PH/908), a refuse collection point and vacant land / structures.

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 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 of vehicles and landscape plant materials for a period of 3 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, warehouse, residential dwellings/structures, plant nurseries and vegetated land.
- 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/817) have been complied with. Compared with the last approved application No. A/YL-PH/817, the current application is the same in terms of the applied use, site area / boundary, 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 with photographic record and a FS 251 certificate showing the acceptance of the fire service installations by D of FS. 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. As there is no major change in the planning circumstances since the last approval, sympathetic consideration could be given to the current application. Regarding the existing unauthorised building works and/or uses on part of the Site as advised by the District Lands Officer/Yuen Long of Lands Department (LandsD), the lot owner should remedy the lease breaches as demanded by LandsD.
- 12.5 The Site is the subject of six approved previous applications for the same or similar temporary open storage use between 2000 and 2019. The planning circumstances of the only rejected application No. A/YL-PH/460 were different as stated in paragraph 6.1 above. Besides, there are four similar applications for temporary open storage uses within the “R(D)” zone in the vicinity of the Site, all of which were approved by the Committee. Approval of the current renewal application is in line with the Committee’s previous decisions.
- 12.6 One 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 and having taking into account the public comment in paragraph 11 above, 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 10.12.2022 until 9.12.2025. 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 8:00 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 heavy goods vehicles exceeding 30 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;
- (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 existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) 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 10.3.2023;
- (h) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;

- (i) if any of the above planning condition (a), (b), (c), (d), (e), (f) or (h) 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
- (j) if the above planning condition (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/817, except those on conditions related to the traffic, drainage and fire safety aspects based on the latest comments of 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

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| Appendix I | Application form with supplementary information received on 13.10.2022 and 19.10.2022 |
| 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
Drawing A-2	Layout plan for parking and loading/unloading
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
DECEMBER 2022**