

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-PH/933**

|                           |  |
|---------------------------|--|
| <b><u>Applicant</u></b>   | : Huge Great International Limited represented by Prudential Surveyors International Limited   |
| <b><u>Site</u></b>        | : Lot 82 S.B ss.1 (Part) in D.D.108, Fan Kam Road, Pat Heung, Yuen Long  |
| <b><u>Site Area</u></b>   | : About 2,802m <sup>2</sup>  |
| <b><u>Lease</u></b>       | : Block Government Lease (demised for agricultural use)  |
| <b><u>Plan</u></b>        | : Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11  |
| <b><u>Zoning</u></b>      | : “Residential (Group D)” (“R(D)”)<br><i>[Maximum plot ratio of 0.2 and building height of 2 storeys (6m)]</i>   |
| <b><u>Application</u></b> | : Proposed Temporary Vehicle Park (Medium and Heavy Goods Vehicles) and Open Storage (Cleansing Tools and Materials) for a Period of 3 Years and Filling of Land |

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary vehicle park (medium and heavy goods vehicles) and open storage (cleansing tools and materials) for a period of three years and filling of land at the application site (the Site), which 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 not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within “R(D)” zone also requires planning permission from the Board. The Site is paved, fenced and largely vacant except with a few temporary structures erected (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development comprising an open storage yard for cleansing tools and materials (including portable water jets, pipe fittings, portable pumps and personal protection equipment) with vehicular circulation space of about 998m<sup>2</sup> and a vehicle park of about 1,804m<sup>2</sup> at the northern and southern portions of the Site respectively will meet the needs of a cleansing company to be operated at the Site. 10 medium goods vehicles and five heavy goods vehicles parking spaces will be provided. Three one to two-storey structures with building heights ranging from 2.5m to 5.61m and a total floor area of about 116m<sup>2</sup> will be erected at the southern portion of the Site for ancillary office, storage and toilet uses. The applicant also applies for regularisation of

filling of land to about 47.3mPD for the whole Site. No workshop activities will be carried out within the Site. The proposed operation hours are between 7:00 a.m. and 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The proposed ingress/egress is located at the northern end of the Site adjacent to Fan Kam Road. The site layout plan submitted by the applicant is shown on **Drawing A-1**.

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

- (a) Application form received on 7.11.2022 (Appendix I)
- (b) Supporting planning statement with technical assessments received on 7.11.2022 (Appendix Ia)
- (c) Further Information (FI) received on 20.2.2023\* (Appendix Ib)
- (d) FI received on 25.5.2023\* (Appendix Ic)
- (e) FI received on 26.6.2023\* (Appendix Id)
- (f) FI received on 4.7.2023 and 6.7.2023\* (Appendix Ie)

*\* accepted and exempted from publication and recounting requirements*

1.4 On 23.12.2022 and 31.3.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application each for two months as requested by the applicant.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the application form, supporting planning statement and FIs at **Appendices I to Ie**, which can be summarised as follows:

- (a) The proposed open storage use and vehicle park are to meet the needs of a cleansing company to be operated at the Site.
- (b) The proposed development is temporary in nature and would not frustrate the long-term planning intention of the Site.
- (c) The proposed development is not incompatible with the surrounding environment in the vicinity where similar uses with planning permission granted by the Board could be found.
- (d) Long vehicles exceeding 9.3m in length will not be allowed to access the Site. The proposed development will not result in adverse traffic, environmental, sewage, drainage and landscape impacts nor increase the fire safety risk in the area. To minimise possible environmental nuisance to the nearby area, hoardings will be erected along the peripheral boundary of the Site; the operation hours will be restricted; and no workshop activities will be carried out within the Site.

### 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. **Town Planning Board Guidelines**

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. 13G) promulgated on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under the Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

### 5. **Background**

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

### 6. **Previous Applications**

6.1 The Site is involved in five previous applications (No. A/DPA/YL-PH/19, A/YL-PH/252, 354, 459 and 499) with larger site areas for various temporary open storage uses, all of which were approved with conditions by the Committee between August 1993 and July 2005 mainly on the considerations that temporary approval would not frustrate the long-term planning intention; the development was considered not incompatible with the surrounding land uses; and the relevant departments consulted generally had no adverse comment on the application or their technical concerns could be addressed by appropriate approval conditions; and/or the development was generally in line with the then Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’. The planning permission under application No. A/YL-PH/459 was revoked in August 2005 due to non-compliance with approval conditions.

6.2 Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

### 7. **Similar Applications**

7.1 There are 11 similar applications (No. A/YL-PH/760, 801, 819, 836, 849, 852, 862, 869, 909, 922 and 953), involving nine sites, for various temporary open storage or temporary vehicle park uses within the same “R(D)” zone or straddling the adjoining “Agriculture” zone in the past five years. All the similar applications, except applications No. A/YL-PH/760, 819 and 836, were approved with conditions by the Committee on similar considerations as stated in paragraph 6.1 above.

7.2 Application No. A/YL-PH/760 for temporary open storage of construction materials was rejected by the Board on review in March 2018 and subsequently dismissed by the Appeal Board in March 2019 mainly on the grounds that the

development was not in line with the planning intention; it was not compatible with the surrounding areas; and the application did not comply with the then TPB PG-No. 13E.

- 7.3 Application No. A/YL-PH/819 for temporary public vehicle park for medium container vehicles was rejected by the Committee in November 2019 mainly on similar grounds as stated in paragraph 7.2 above. Application No. A/YL-PH/836 for public vehicle park was rejected by the Committee in May 2020 mainly on the grounds that the development was not in line with the planning intention and there was no strong justification for a departure from the planning intention even on a temporary basis.
- 7.4 Details of the applications are summarised at **Appendix III** and their locations are shown at **Plan A-1a**.

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

- 8.1 The Site is:
- (a) paved, fenced and largely vacant except with a few temporary structures erected; and
  - (b) adjacent to Fan Kam Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the northeast and east are residential structures/dwellings and vacant land;
  - (b) to the southeast and south are residential structures/dwellings (the nearest within 10m from the Site), open storage/storage yards, a workshop and grassland; and
  - (c) to the west across Fan Kam Road are woodland with graves.

## **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**

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV** and **V** respectively.

10.2 The following government department does not support the application:

**Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) the Environmental Protection Department (EPD) does not support the application as it would cause traffic of heavy vehicles and there are residential dwellings in the vicinity of the Site (**Plan A-2**), environmental nuisance to the nearby residential uses could be generated by the proposed use;
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the revised 'Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance from the proposed use; and
- (c) there was no substantiated environmental complaint received against the Site in the past three years.

**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 objecting to the application mainly on the grounds that the proposed development would cause adverse traffic, environmental and fire safety impacts.

**12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary vehicle park (medium and heavy goods vehicles) and open storage (cleansing tools and materials) for a period of three years and filling of land 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 development is not in line with the planning intention of the "R(D)" zone, there is currently no known proposal for long-term development at the Site. It is considered that approval of the application on a temporary basis of three years would not frustrate 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, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) and DEP have no objection to the application from drainage and environmental perspectives.
- 12.2 The proposed development is considered not incompatible with the surrounding land uses, which are mainly rural in character predominated by residential structures/dwellings, open storage/storage yards, workshop and vacant land. While DEP does not support the application in considering that environmental nuisance could be generated by the proposed development due to the traffic of

heavy vehicles, the applicant proposes to erect hoardings along the peripheral boundary of the Site to minimise nuisance to the surrounding area. According to the submission, the vehicles would be directly accessible from Fan Kam Road without passing through the local tracks near the residential structures/dwellings and the operation hours will be from 7:00 a.m. and 7:00 p.m. from Mondays to Saturdays. To address DEP's concern, an approval condition restricting the operation hours is recommended in paragraph 13.2 below and to minimise any potential environmental nuisances, the applicant will also be advised to follow the 'Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites' issued by EPD.

- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13G. 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 three 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 considered generally in line with TPB PG-No. 13G in that the concerned departments including the Commissioner for Transport, CE/MN of DSD and the Director of Fire Services have no adverse comments on the application. The concern of DEP can be addressed as mentioned in paragraph 12.2 above. To address the technical requirements of concerned government departments, relevant approval conditions are also recommended in paragraph 13.2 below.
- 12.5 There are five approved applications for various temporary open storage use concerning the Site and eight approved similar applications for various open storage and vehicle park uses within/straddling the same "R(D)" zone as stated in paragraphs 6 and 7 above. The planning circumstances of the current application are different from those of the three rejected similar applications as temporary approval of the current application would not frustrate the long term planning intention; the proposed development is considered not incompatible with the surroundings; and the current application is considered generally in line with TPB PG-No. 13G. In this regard, approval of the current application is in line with the Committee's previous decisions.
- 12.6 For the objecting public comment received as stated in paragraph 11 above, the departmental comments and planning 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 mentioned in paragraph 11, the Planning Department considers that the proposed development could be tolerated for a period of three 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 three years until 14.7.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 7:00 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 vehicle is allowed to queue back to or reverse onto/ from public road at any time during the planning approval period;
- (e) the submission of a revised 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 14.1.2024;
- (f) in relation to (e) above, the implementation of the revised 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 14.4.2024;
- (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 provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.8.2023;
- (i) 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 14.1.2024;
- (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 V**.

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

the proposed 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.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 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 reason(s) for rejection should be given to the applicant.

#### **15. Attachments**

|                     |  |
|---------------------|--|
| <b>Appendix I</b>   | Application form received on 7.11.2022   |
| <b>Appendix Ia</b>  | Supporting planning statement with technical assessments received on 7.11.2022 |
| <b>Appendix Ib</b>  | FI received on 20.2.2023   |
| <b>Appendix Ic</b>  | FI received on 25.5.2023   |
| <b>Appendix Id</b>  | FI received on 26.6.2023   |
| <b>Appendix Ie</b>  | FI received on 4.7.2023 and 6.7.2023   |
| <b>Appendix II</b>  | Relevant extract of TPB PG-No. 13G   |
| <b>Appendix III</b> | Previous and similar applications  |
| <b>Appendix IV</b>  | Government departments' general comments                                       |
| <b>Appendix V</b>   | Recommended advisory clauses   |
| <b>Appendix VI</b>  | Fire Services Department's good practice guidelines for open storage sites     |



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|---------------------|---|
| <b>Appendix VII</b> | Public comment                          |
| <b>Drawing A-1</b>  | Site layout plan                        |
| <b>Plan A-1a</b>    | Location plan with similar applications |
| <b>Plan A-1b</b>    | Previous applications plan              |
| <b>Plan A-2</b>     | Site plan                               |
| <b>Plan A-3</b>     | Aerial photo                            |
| <b>Plan A-4</b>     | Site photos                             |

**PLANNING DEPARTMENT  
JULY 2023**