

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

**APPLICATION NO. A/YL-PH/952**

<b><u>Applicant</u></b>	: Chief Force Limited
<b><u>Site</u></b>	: Lots 1895 (Part) and 1913 (Part) in D.D. 111 and Adjoining Government Land, Leung Uk Tsuen, Pat Heung, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 255m <sup>2</sup> (including about 220m <sup>2</sup> of Government Land)
<b><u>Land Status</u></b>	: (i) Block Government Lease (demised for agricultural use) (14% of the Site) (ii) Government Land (GL) (86% of the Site)
<b><u>Plan</u></b>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<b><u>Zonings</u></b>	: “Village Type Development” (“V”) (63% of the Site) [Maximum building height of 3 storeys (8.23m)]; and “Agriculture” (“AGR”) (37% of the Site)
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Warehouse for 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 warehouse for construction materials for a period of 3 years. The Site falls within an area zoned “V” (63%) and “AGR” (37%) on the Pat Heung OZP. 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). The Site is currently paved, erected with a temporary structure, and used for the applied use with valid planning permission under application No. A/YL-PH/844 (**Plans A-2 to A-4**). All the approval conditions have been complied with and the planning permission is valid until 10.7.2023.
- 1.2 According to the applicant, the development involves one single-storey structure (about 5m high) with a total floor area of about 190m<sup>2</sup> for warehouse use. A

loading/unloading space for light goods vehicle is provided within the structure. No vehicle exceeding 5.5 tonnes will enter/exit the Site. The development does not involve dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities. The operation hours are between 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The site layout plan submitted by the applicant is shown on **Drawing A-1**.

- 1.3 The Site is involved in three previous applications (No. A/YL-PH/567, 763 and 844) (details at paragraph 6 below). Compared with the last application No. A/YL-PH/844, 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.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with supplementary information (**Appendix I**) received on 27.4.2023
  - (b) Further information (FI) received on 1.6.2023\* (**Appendix Ia**)

*\* exempted from publication and recounting requirements*

## **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 summarised as follows:

- (a) There is no change in the applied use and layout of the development between this application and the last approved application No. A/YL-PH/844. Relevant government departments and nearby residents had no adverse comments or complaint on the previous application and all the approval conditions have been complied with.
- (b) The development will not induce adverse traffic impact to the surrounding area. The applicant will provide and maintain the drainage and fire service installations facilities at the Site and comply with the relevant approval conditions.

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

The applicant is not the 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 posting site notice and notifying the Pat Heung Rural

Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion of the Site, the requirements as set out in TPB PG-No. 31A are not applicable.

**4. Town Planning Board Guidelines**

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**.

**5. Background**

The Site is not subject to any planning enforcement action.

**6. Previous Applications**

- 6.1 The Site is involved in three previous applications (No. A/YL-PH/567, 763 and 844). Applications No. A/YL-PH/763 and 844, both for the same use as the current application, were approved with conditions by the Rural and New Town Planning Committee (the Committee) in December 2017 and July 2020 respectively on the considerations that temporary approval would not frustrate the long-term planning intentions; the development was 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 relevant approval conditions. The planning permission under application No. A/YL-PH/763 was revoked in May 2020 due to non-compliance with the approval conditions.
- 6.2 Application No. A/YL-PH/567, covering part of the Site, for temporary animal boarding establishment (kennel) is not relevant to the current application.
- 6.3 Details of the previous applications are summarised in **Appendix III** and the location is shown on **Plan A-1**.

**7. Similar Application**

- 7.1 There is one similar application No. A/YL-PH/914 for temporary warehouse and open storage of backdrop screens, advertising aluminium frames and construction materials within the same "AGR" zone in the vicinity of the Site in the past 5 years. The application was approved with conditions by the Committee in May 2022 on similar considerations as stated in paragraph 6.1 above.

- 7.2 Details of the application are summarised in **Appendix III** and the location is shown on **Plan A-1**.

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

- 8.1 The Site is:

- (a) paved, erected with a temporary structure, and used for the applied use with valid planning permission under application No. A/YL-PH/844; and
- (b) accessible from Kam Tin Road via a local access.

- 8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and northeast within the “V” zone of Leung Uk Tsuen (梁屋村) are parking of vehicles (including one with valid planning permission under application No. A/YL-PH/856) and grassland. To the further north and northeast are village settlement, cultivated agricultural land and vacant land;
- (b) to the immediate east straddling the “V” and “AGR” zones is an open storage/storage yard. To the further southeast within the “AGR” zone are storage of containers, grassland and vacant land; and
- (c) to the south and west are a culvert and Leung Shing Road, across which is the Shek Kong Stabling Sidings of the Guangzhou-Shenzhen-Hong Kong Express Rail Link.

## **9. Planning Intentions**

- 9.1 The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House (NTEH). Other commercial, community and recreational uses may be permitted on application to the Board.
- 9.2 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

## **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 IV** and **V** respectively.

## **11. Public Comment Received During Statutory Publication Period**

The application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received which raises concern on the continuous operation of the applied use with issues of public safety and hygiene within GL and the village boundary.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary warehouse for construction materials for a period of 3 years at the Site zoned “V” (63%) and “AGR” (37%). The planning intention of the “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. Other commercial, community and recreational uses may be permitted on application to the Board. The planning intention of the “AGR” zone is primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The applied use is not in line with the planning intentions of the “V” and “AGR” zones. Nevertheless, the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) advises that there is no Small House application approved or under processing at the Site. The Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural perspective. It is considered that approval of the application on a temporary basis for a further period of 3 years would not frustrate the long-term planning intentions of the “V” and “AGR” zones.
- 12.2 The development is considered not incompatible with the surrounding land uses, which is predominantly rural in character intermixed with open storage, parking of vehicles, grassland and vacant land. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considers that significant adverse landscape impact arising from the development is not anticipated, and has no objection to the application from landscape planning perspective.
- 12.3 The application is generally in line with the TPB PG-No. 34D in that the current application is the same as the last approved application No. A/YL-PH/844 in terms of the applied use, site area/boundary, layout and major development

parameters; all the approval conditions have been complied with; the renewal of planning approval period sought is of the same time frame as the previous approval; and there has been no material change in planning circumstances since the granting of the previous approval.

- 12.4 Other relevant departments consulted including the Commissioner for Transport (C for T), the Director of Environmental Protection (DEP), the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and the Director of Fire Services (D of FS) have no adverse comment on the application. To minimise any potential environmental nuisances and to address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP.
- 12.5 Given that two previous applications for the same temporary warehouse use at the Site and one similar application within the same “AGR” zone in the vicinity of the Site were approved by the Committee as stated in paragraphs 6 and 7 above, approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comment as stated in paragraph 11, the departmental 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 taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the applied use could be tolerated for a further 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 11.7.2023 until 10.7.2026. 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 are allowed 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 a record 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 11.10.2023;
- (g) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) 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;
- (i) if the above planning condition (f) 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; and
- (j) upon the expiry of the planning permission, the reinstatement of the portion of the site falling within “Agriculture” zone to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

*[The above approval conditions are the same as those under the planning permission of previous application No. A/YL-PH/844, except deletion of/ revision to the conditions related to traffic, drainage and fire safety aspects based on the latest comments from C for T, CE/MN of DSD and D of FS.]*

#### Advisory clauses

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

- 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 reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application form with supplementary information received on 27.4.2023
<b>Appendix Ia</b>	FI received on 1.6.2023
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<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>	Public comment
<b>Drawing A-1</b>	Site layout plan
<b>Plan A-1</b>	Location plan with similar applications
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4</b>	Site photos

**PLANNING DEPARTMENT  
JUNE 2023**