

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/962

<u>Applicant</u>	:	Zhong Zheng Trucks and Body Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lot 115 in D.D. 108, Fan Kam Road, Pat Heung, Yuen Long, New Territories
<u>Site Area</u>	:	About 1,757m 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>	:	Proposed Temporary Storage of Vehicles and Auto Parts with Ancillary Facilities for a Period of 3 Years and Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary storage of vehicles and auto parts with ancillary facilities for a period of 3 years and filling of land at the application site (the Site) which falls within an area zoned “R(D)” on the Pat Heung OZP (**Plan A-1**). 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). Filling of land within “R(D)” zone also requires planning permission from the Board. The Site is paved, fenced, erected with a few temporary structures and used for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development comprises storage for vehicles and auto parts with ancillary facilities including vehicle repair workshop and site office within two 1 to 2-storey structures with building heights of 6m and 7m and a total floor area of about 755m², as well as a designated open-air storage area of about 339m² (or 19% of the site area). The applicant also applies for regularisation of filling of land with concrete to a level of not more than +52.6mPD for the whole Site. Three parking spaces for private cars and one loading/unloading (L/UL) space for light goods vehicles (LGVs) will be provided at the Site. The proposed operation hours will be between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The Site is

accessible to Fan Kam Road via a local access. The site layout plan and land filling plan submitted by the applicant are shown on **Drawings A-1** and **A-2**.

- 1.3 The Site is involved in five previous applications for various temporary open storage or temporary storage uses (details at paragraph 5 below). The planning permission under the last application (No. A/YL-PH/890), which was submitted by the same applicant for the same use as the current application, was revoked due to non-compliance with approval conditions. Compared with the last application, the current application is generally the same, except minor changes to the site area, building height and the total floor area, and a comparison of the major development parameters is summarised as follows:

Parameters	Previous Application No. A/YL-PH/890 (a)	Current Application No. A/YL-PH/962 (b)	Difference (b) – (a)
Site Area	1,733m ²	1,757m ²	+24m ² (+1.38%)
Total Floor Area	801m ²	755m ²	-46m ² (-5.74%)
No. of Structures	2	2	No Change
Building Height	single-storey / about 3.5m to 7m	1 to 2-storey / about 6m to 7m	+1 storey
No. of Private Car Parking Space	3	3	No Change
No. of L/UL Space for LGV	1	1	No Change

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

- (a) Application form with supplementary information received (**Appendix I**) on 30.6.2023 and 11.7.2023
- (b) Further Information (FI) received on 21.8.2023* (**Appendix Ia**)
* *accepted and 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) The temporary nature of the proposed development will not frustrate the long-term planning intention of the “R(D)” zone.
- (b) Sufficient maneuvering spaces for vehicles are provided within the Site to ensure no queuing back onto the public road and no medium or heavy goods vehicles over 5.5 tonnes will be used at the Site.

- (c) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD) to minimise adverse environmental impacts and nuisance to the surrounding areas. No dangerous goods will be stored at the Site and all the ancillary workshop activities will be carried out within enclosed structures.
- (d) The proposed development is not incompatible with the surroundings and will not result in adverse traffic, environmental and drainage impacts. The applicant will provide the drainage and fire service installations (FSIs) facilities at the Site, and undertakes to comply with the relevant approval conditions.
- (e) The application is mainly to meet the needs of a vehicle trading company operated at the Site. The associated filling of land is considered necessary and kept to minimal for the operation of the applied use.
- (f) The applicant will apply for a Short Term Waiver (STW) for erection for structures at the Site and undertakes to regularise the existing unauthorised temporary structures at the Site.

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

The applicant is not the “current land owner” of the Site 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 sending registered mail to the Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

- 5.1 The Site was involved in five previous applications (No. A/YL-PH/182, 272, 329, 446 and 890). Applications No. A/YL-PH/182, 272, 329 and 446 for temporary open storage uses are not relevant to the current application. Application No. A/YL-PH/890 for temporary storage of vehicles and auto parts submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) in September 2021, mainly on the considerations that temporary approval would not frustrate the long-term planning intention of the “R(D)” zone; the proposed development was considered not incompatible with the surrounding land uses; there were no adverse departmental comments or their technical concerns could be addressed by appropriate approval conditions. The planning permission was revoked in March 2023 due to non-compliance with approval conditions on submission and implementation of drainage and fire service installations (FSIs) proposals.

5.2 Details of the previous applications are summarised in **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary storage use within the same “R(D)” zone in the vicinity of the Site.

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

7.1 The Site is:

- (a) paved, fenced, erected with a few temporary structures and used for the applied use without valid planning permission; and
- (b) accessible from Fan Kam Road on the west via a local access.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate southeast is a works site for transitional housing development with valid planning permission under application No. A/YL-PH/887. To the further east across a watercourse are residential structures/dwellings and a storage yard. To the further south is a temporary dog training ground, dogs and cats boarding establishment and dog swimming and recreational centre with valid planning permission under application No. A/YL-PH/893;
- (b) to the north are open storage/storage yards and residential structures/dwellings; and
- (c) to the west across Fan Kam Road are temporary structures and woodlands.

8. 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL of LandsD):

- (a) LandsD has adverse comments on the application;
- (b) the Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government; and
- (c) LandsD has grave concerns given that there are unauthorised building works (UBWs) and/or uses which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD.

10. Public Comment Received During Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds the approval conditions of previous application were not complied with and there are safety and hygiene issues.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary storage of vehicles and auto parts with ancillary facilities for a period of 3 years and filling of land at the Site zoned “R(D)” (**Plan A-1**). 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 no known development proposal at the Site. It is considered that approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone. Filling of land within “R(D)” zone requires planning permission from the Board. In this regard, the Chief Engineer/Mainland North of the Drainage Services Department (CE/MN of DSD) and the Director of Environmental Protection (DEP) have no objection to the proposed filling of land from drainage and environmental perspectives.
- 11.2 The proposed development is considered not incompatible with the surrounding area which is rural in character intermixed with open storage/storage yards and residential dwellings/structures. The Chief Town Planner/Urban Design and Landscape of the Planning Department considers that no significant landscape impact arising from the proposed development is anticipated. Whilst there is a transitional housing development under construction to the immediate southeast

of the Site (**Plan A-2**), the proposed use will mainly be within enclosed structures. DEP has no objection to the application from environmental perspective.

- 11.3 DLO/YL of LandsD has adverse comments on the application in view of the existing UBWs at the Site. In this regard, the applicant states that he will apply for STW with LandsD and regularise the UBWs at the Site. Relevant advisory clause on need for application to LandsD for regularisation for UBWs is also recommended.
- 11.4 Relevant departments consulted including the Commissioner for Transport, CE/MN of DSD and the Director of Fire Services (D of FS) have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. To minimise any potential environmental nuisances, the applicant will also be advised to follow the revised 'Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites' issued by DEP.
- 11.5 The Site is the subject of an approved previous application (No. A/YL-PH/890) submitted by the same applicant for the same temporary storage use as the current application. The planning permission was revoked due to non-compliance with the approval conditions on submission and/or implementation of drainage and FSIs proposals. In this regard, the applicant has submitted drainage and FSIs proposals in support of the current application, and CE/MN of DSD and D of FS have no in-principle objection to the application subject to submission and/or implementation of the proposals. Should the Committee decide to approve the application, the applicant will be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.6 Regarding the public comment objecting to the application as stated in paragraph 10 above, the departmental comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment as mentioned in paragraph 10 above, the Planning Department considers that the proposed development 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 25.8.2026. 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 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 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;
- (d) 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 25.2.2024;
- (e) in relation to (d) 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 25.5.2024;
- (f) in relation to (e) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) 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 25.2.2024;
- (h) if any of the above planning condition (a), (b), (c) or (f) 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 of the above planning condition (d), (e) or (g) 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 proposed 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. 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 reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application form with supplementary information received on 30.6.2023 and 11.7.2023
Appendix Ia	FI received on 21.8.2023
Appendix II	Previous applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public Comment
Drawing A-1	Site layout plan
Drawing A-2	Land Filling Plan
Plan A-1	Location plan with previous applications
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4	Site photos

**PLANNING DEPARTMENT
AUGUST 2023**