

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

**APPLICATION NO. A/YL-PH/967**

<b><u>Applicant</u></b>	:	Full Blossom (HK) Engineering Limited represented by R-riches Property Consultants Limited
<b><u>Site</u></b>	:	Lots 14 S.B RP, 15 S.B RP, 16, 17, 18, 19 RP and 20 S.B RP (Part) in D.D. 111, Pat Heung, Yuen Long
<b><u>Site Area</u></b>	:	About 3,510m <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)”) [maximum plot ratio of 0.2 and building height of 2 storeys (6m)]
<b><u>Application</u></b>	:	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) 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 warehouse (excluding dangerous goods godown) 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, partly covered with weeds, partly deposited with construction materials and erected with a structure (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, four 1-storey structures with building height of about 8.23m and a total floor area of not more than 880m<sup>2</sup> will be erected for warehouse, ancillary office and washroom. Three parking spaces for private cars, two loading/unloading (L/UL) spaces for light goods vehicles and one L/UL space for medium goods vehicle will be provided at the Site. Majority of the Site (around 98.5%) will be filled by concrete by not more than 0.2m from +40.6mPD to +40.8mPD. No dangerous goods will be stored and no workshop activities will be carried out within the Site. The proposed operation hours will be between 9:00 a.m.

and 6:00 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 track. The site layout plan and land filling plan submitted by the applicant are shown on **Drawings A-1** and **A-2**.

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

- (a) Application form with attachments received on 14.8.2023 (Appendix I)
- (b) Further Information (FI) received on 27.9.2023 and 4.10.2023\* (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 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) The proposed warehouses are intended for storage of construction materials and machineries. The proposed development is not incompatible with the surroundings and will not result in adverse traffic, environmental and drainage impacts.
- (c) To minimise possible environmental nuisance to the nearby area, a large portion of the Site will be hard paved to reduce dust; hoardings will be erected at the Site; and no workshop activities will be carried out within the Site. Heavy goods vehicles will not be allowed to enter/exit the Site. 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.
- (d) The proposed land filling area and hoardings have avoided encroaching on the waterworks reserve area.

## **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 Applications**

- 5.1 Part of the Site is involved in two previous applications (No. A/YL-PH/470 and 490) for temporary storage (which is akin to open storage use) and open storage uses respectively, which are not relevant to the current application for warehouse use.
- 5.2 Details of the previous applications are summarised in **Appendix II** and the locations are shown on **Plan A-1**.

## **6. Similar Application**

There is no similar application for warehouse 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-4b)**

- 7.1 The Site is:
- (a) paved, partly covered with weeds, partly deposited with construction materials and erected with a structure; and
  - (b) accessible to Fan Kam Road via a local track.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the northeast and east are some graves and woodland;
  - (b) to the south are residential structures/dwellings (the nearest within 5m from the Site), open storage/storage yards (including one with valid planning permission under application No. A/YL-PH/908) and vacant land; and
  - (c) to the west are a watercourse, Dongjiang water mains and Fan Kam Road, across which is the Junior Police Call Permanent Activity Centre and Integrated Youth Training Camp (JPC@Pat Heung).

## **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 does not support the application:

**Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) does not support the application as it is considered that the proposed use 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.

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

The application was published for public inspection. During the statutory public inspection period, four public comments were received from individuals. One public comment objects to the application on the grounds that the Site is involved in two previous rejected applications for brownfield uses; and the proposed development is not in line with the planning intention of the "R(D)" zone. Three public comments raise concerns on the application that the proposed development would cause adverse impacts on noise, air, traffic and drainage aspects; and there are road capacity and road safety concerns.

**11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) 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 proposal for long term development 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 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, residential dwellings/structures and vacant land. 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. While DEP does not support the application in considering that environmental nuisance could be generated by the use of heavy vehicles. The vehicular access is proposed at the southwestern end of the Site near Fan Kam Road without passing through residential dwellings/structures. The applicant also proposes to erect hoardings and states that no workshop activities will be carried out at the Site. To address DEP's concern, relevant approval conditions restricting the types of vehicle, operation hours and prohibiting workshop activities are recommended in paragraph 12.2 below. 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 EPD to minimise any potential environmental nuisances.
- 11.3 Relevant departments consulted including the Commissioner for Transport, CE/MN of DSD and the Director of Fire Services 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.
- 11.4 Regarding the public comments objecting to or raising concerns on 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 comments 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 13.10.2026. 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 vehicles exceeding 24 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, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) the submission of a 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 13.4.2024;
- (f) in relation to (e) above, the implementation of the 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 13.7.2024;
- (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 submission of a 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 13.4.2024;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.7.2024;
- (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 the 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 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. There is no strong planning justification 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**

<b>Appendix I</b>	Application form with attachments received on 14.8.2023
<b>Appendix Ia</b>	FI received on 27.9.2023 and 4.10.2023
<b>Appendix II</b>	Previous applications
<b>Appendix III</b>	Government departments' general comments
<b>Appendix IV</b>	Recommended advisory clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Site layout plan
<b>Drawing A-2</b>	Land filling plan
<b>Plan A-1</b>	Location plan
<b>Plan A-2</b>	Site plan
<b>Plan A-3</b>	Aerial photo
<b>Plans A-4a &amp; 4b</b>	Site photos

**PLANNING DEPARTMENT  
OCTOBER 2023**