

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/975

<u>Applicant</u>	: China State Mechanical & Electrical Engineering Limited represented by Allgain Land Administrators (Hong Kong) Limited
<u>Site</u>	: Lots 2962 S.B (Part), 2965 S.B (Part), 2966 (Part) and 2967 S.B RP (Part) in D.D. 111, Lots 337 (Part), 341 (Part), 342 (Part) and 343 (Part) in D.D. 114 and Adjoining Government Land, Kam Tin Road, Pat Heung, Yuen Long
<u>Site Area</u>	: About 4,360m ² (including Government land (GL) of about 80m ² (2%))
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan No. S/YL-PH/11
<u>Zoning</u>	: “Open Storage” (“OS”)
<u>Application</u>	: Proposed Temporary Shop and Services with Ancillary Storage for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary shop and services with ancillary storage for a period of 3 years. The Site falls within an area zoned “OS” on the Pat Heung OZP. **(Plan A-1)** According to the Notes of the OZP, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use under the “OS” zone which requires planning permission from the Town Planning Board (the Board). The Site is mostly vacant, paved, fenced, partly used for storage of construction materials and containers, and erected with a few temporary structures. **(Plans A-2 to A-4b)**.
- 1.2 According to the applicant, the proposed development involves erection of six 1-to 2-storey structures with building heights ranging from about 3m to about 8m and a total floor area of about 2,996m² for shop and services (sale of metal wares and equipment), ancillary storage, meter room, utilities and CCTV room. One private car parking space and one loading/unloading space for light goods vehicle will be provided at the Site. The proposed operation hours are 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 directly from Kam Tin Road. The site layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form with attachments received on 10.10.2023 (**Appendix I**)
- (b) Further Information (FI) received on 20.11.2023, 22.11.2023, 23.11.2023, 24.11.2023 and 30.11.2023* (**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 in **Appendices I** and **Ia**. They can be summarised as follows:

- (a) The proposed shop and services is intended to serve the needs of the surrounding works sites and business operations. Metal wares and equipment for interior fit-out and electrical systems will be sold at the proposed development.
- (b) The proposed development is temporary in nature which will not jeopardise the long-term planning intention of the “OS” zone. It is not incompatible with the surrounding land uses.
- (c) The proposed development would not result in adverse traffic, drainage and environmental impacts to the surrounding areas nor increase the fire safety risk in the area. The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department (EPD).
- (d) The applicant will apply for short term waiver (STW) should the current application be approved, while the existing unauthorised building structures at the Site will be removed.

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

The applicant is not the “current land owner” of the private land portion 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. 31B) by posting a notice at the Site and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

4. Background

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

5. Previous Application

The Site is involved in one previous application No. A/YL-PH/126 for open storage and workshop use which is not relevant to the current application for temporary shop and

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

6. Similar Application

There is no similar application within the same “OS” zone in the past 5 years.

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

7.1 The Site is:

- (a) mostly vacant, paved, fenced, partly used for storage of construction materials and containers, and erected with a few temporary structures; and
- (b) accessible directly from Kam Tin Road.

7.2 The surrounding areas are rural in character mainly intermixed with open storage/storage yards, workshops and parking of vehicles. A film studio is located to the further west of the Site.

8. Planning Intention

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown permits.

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, the Lands Department (DLO/YL of LandsD):

- (a) LandsD has adverse comments on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots 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;

- (c) no permission is given for occupation of GL (about 80m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed;
- (d) within the Site, Lot 2962 S.B in D.D. 111 is covered by STW No. 2141 for the purpose of storage and trading of vehicle parts and Lot 337 in D.D. 114 is covered by STW No. 4810 for the purpose of storage of vehicle parts, machinery and workshop use; and
- (e) LandsD has grave concerns given that there are unauthorised building works (UBWs) and/or uses on Lot 2965 S.B, 2966 and 2967 S.B RP in D.D. 111 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

The application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services with ancillary storage for a period of 3 years at the Site zoned "OS". The planning intention of the "OS" zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. While the proposed shop and services use is not entirely in line with the planning intention of the "OS" zone, it is not incompatible with the intended uses of the zone and according to the applicant, the proposed development is intended to serve the needs of the surrounding works sites and business operations. It is considered that the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "OS" zone.
- 11.2 The proposed development is considered not incompatible with the surrounding areas which is rural in character intermixed with open storage/storage yards, workshops and parking of vehicles.
- 11.3 Relevant departments consulted including the Commissioner for Transport, the Director of Environmental Protection, the Chief Engineer/ Mainland North of the Drainage Services Department 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, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the EPD to minimise the possible environmental nuisance.

- 11.4 DLO/YL of LandsD has adverse comments on the application in view of the existing UBWs at the Site. In this regard, the applicant undertakes to remove the existing UBWs at the Site and states that they will apply for STW with LandsD. Relevant advisory clause on need for application to LandsD for regularisation for UBWs is recommended.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 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 8.12.2026. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a run-in/out proposal at Kam Tin Road within **6** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 8.6.2024;
- (b) in relation to (a) above, the implementation of the run-in/out proposal at Kam Tin Road within **9** months from the date of planning approval to the satisfaction of the Director of Highways and the Commissioner for Transport or of the Town Planning Board by 8.9.2024;
- (c) 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 8.6.2024;
- (d) in relation to (c) 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 8.9.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 8.6.2024;
- (g) in relation to (f) 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 8.9.2024;
- (h) if the above planning condition (e) 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 any of the above planning condition (a), (b), (c), (d), (f) 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 attached in **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 use is not in line with the planning intention of the "OS" zone which is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. 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 attachments received on 10.10.2023
Appendix Ia	FI received on 20.11.2023, 22.11.2023, 23.11.2023, 24.11.2023 and 30.11.2023
Appendix II	Previous application
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan

Plan A-3 Aerial photo

Plans A-4a & 4b Site photos

**PLANNING DEPARTMENT
DECEMBER 2023**