

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

APPLICATION NO. A/YL-PH/979

<u>Applicant</u>	:	Tanfield Estates Limited represented by R&U Planning and Development Consultants Limited
<u>Site</u>	:	Lots 20 (Part), 21, 22 (Part), 23 (Part), 24 (Part), 25 (Part), 27 S.A (Part), 42 (Part) and 43 (Part) in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long
<u>Site Area</u>	:	About 11,370m ² (including about 1,212m ² of Government land (about 10.7%))
<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>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Porcelain Products/Sanitary Utensils 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 open storage of porcelain products/sanitary utensils for a period of 3 years. The Site falls within an area zoned “AGR” on the Pat Heung OZP. According to the covering Notes of the OZP, temporary use of any land not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under the previous application No. A/YL-PH/866. All the approval conditions have been complied with and the planning permission is valid until 20.1.2024.
- 1.2 According to the applicant, the existing structures have a total covered storage area of about 5,508.2m² and height of about 6m. The operation hours are from 7:00 a.m. to 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Three loading/unloading spaces for heavy goods vehicles are provided on-site. The Site is accessible to Fan Kam Road via a local track. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in 11 previous applications (details in paragraph 6 below). Compared with the last approved application No. A/YL-PH/866, 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 document:
- (a) Application form with supplementary information received (**Appendix I**) on 15.11.2023
 - (b) Further Information (FI) received on 24.11.2023* (**Appendix Ia**)
 - (c) FI received on 5.1.2024* (**Appendix Ib**)
* *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 FIs at **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site is subject to previous planning permissions and the approval conditions have been complied with.
- (b) The development is in line with Town Planning Board Guidelines No. 13G for applications for open storage and port back-up uses and No. 34D for renewal of planning approval.
- (c) The nature of operation and the operational characteristics remain unchanged. The general layout and the total covered storage area within the Site are the same as those of the previously approved scheme.
- (d) All the previous planning approvals have demonstrated that the applied use is compatible with the surrounding land uses and would have no adverse development impacts on the surrounding areas.

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

The applicant is one of the “current land owners” of the private land portion of the Site and has complied with the requirement 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 sending registered mail to the other owners. Detailed information would be deposited at the meeting for Member’s inspection. For the Government land portion, the “Owner’s Consent/Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

- 4.1 The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 2 areas under TPB PG-No. 13G. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 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 also relevant to this application. The relevant extract of the Guidelines is attached at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in 11 previous applications (No. A/YL-PH/9, 176, 267, 310, 423, 512, 576, 632, 709, 764 and 866) all submitted by the same applicant for the same applied use as the current application (including renewal of temporary approval granted). Application No. A/YL-PH/9, covering various parts of the Site, was rejected by the Board on review in 1995 mainly on the grounds that the proposed use was not in line with the planning intention; and the development was not compatible with the nearby developments.
- 6.2 Subsequent to application No. A/YL-PH/9, applications No. A/YL-PH/176 and 267 covering the whole Site, were approved by the Rural and New Town Planning Committee (the Committee) in 1998 and 1999 respectively, mainly on the considerations that there were no agricultural activities on the site for years; the use was not incompatible with the surrounding land uses; and it would unlikely generate adverse impacts. The remaining 8 previous applications were all approved by the Committee between 2000 and 2021, mainly on the considerations that the development was not incompatible with the surrounding land uses; the application complied with the relevant Town Planning Board Guidelines for application for open storage and port back-up uses; and relevant departments consulted generally had no adverse comments on the application. The planning permission under application No. A/YL-PH/576 was revoked in 2011 due to non-compliance with approval conditions.
- 6.3 Compared with the last approved application No. A/YL-PH/866, the current application is the same in terms of the site area/boundary, layout and major development parameters. All the approval conditions have been complied with and the planning permission is valid until 20.1.2024.
- 6.4 Details of the previous applications are summarised in **Appendix IV** and the locations are shown on **Plan A-1**.

7. **Similar Application**

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

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

8.1 The Site is:

- (a) paved and fenced;
- (b) currently used for the applied use with valid planning permission under application No. A/YL-PH/866; and
- (c) accessible via a local track leading from Fan Kam Road.

8.2 The surrounding areas are rural in character intermixed with residential dwellings/structures, orchard, vacant land, farmland, workshops, warehouse and parking of vehicles.

9. **Planning Intention**

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**

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 V** and **VI** respectively.

10.2 The following government department does not support the application:

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) according to the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he does not support the application as sensitive receivers, i.e. residential dwellings/structures are found in the vicinity of the Site (the nearest is about 10m to its east (**Plan A-2**)) and the applied use involves the use of heavy vehicles, thus environmental nuisance is expected; and

- (b) there was no substantiated environmental complaint concerning the Site received in the past three years.

11. Public Comment Received During Statutory Publication Period

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

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning permission for temporary open storage of porcelain products/sanitary utensils for a period of 3 years at the Site zoned “AGR”. The planning intention of the “AGR” zone is primarily to retain and safeguard good quality 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 intention of the “AGR” zone. The Director of Agriculture, Fisheries and Conservation has no strong view against the application in considering that previous application for the same use was approved. Taking into account the planning assessments below, the applied use on a temporary basis of 3 years could be tolerated.
- 12.2 The applied use is not incompatible with the surrounding land uses which are intermixed with residential dwellings/structures, vacant land, farmland, warehouse and parking of vehicles.
- 12.3 DEP does not support the application as the applied use involves the use of heavy vehicles and environmental nuisance is expected as there are sensitive receivers in the vicinity. In this regard, there was no environmental complaint concerning the Site in the past three years. To address DEP’s concerns, approval conditions restricting the operation hours and prohibiting workshop activities are recommended in paragraph 13.2 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 DEP to minimise possible environmental nuisance generated by the applied use.
- 12.4 The Site falls within Category 2 areas under 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 3 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 applied use would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.5 The application is generally in line with TPB PG-No. 13G and TPB PG-No. 34D in that the relevant departments including the Commissioner for Transport (C for

T), the Chief Engineer/Mainland North of the Drainage Services Department, the Director of Fire Services, and the Chief Town Planner/Urban Design and Landscape of the Planning Department (CTP/UD&L, PlanD) have no objection to or no adverse comment on the application and DEP's concerns can be addressed as mentioned in paragraph 12.3 above. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Besides, all the approval conditions of the last planning permission under application No. A/YL-PH/866 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 the planning circumstances since the granting of the previous approval.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, 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 21.1.2024 to 20.1.2027. 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 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 and other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition 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 21.4.2024;
- (f) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (g) if any of the above planning condition (a), (b), (c), (d) 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;

- (h) if the above planning condition (e) 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
- (i) upon the expiry of the planning permission, the reinstatement of the site 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 last approved planning application No. A/YL-PH/866, except deletion/revision to the conditions on traffic and landscape aspects based on the latest comments from C for T and CTP/UD&L, PlanD.]

Advisory clauses

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

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 approval.
- 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

Appendix I	Application form with supplementary information received on 15.11.2023
Appendix Ia	FI received on 24.11.2023
Appendix Ib	FI received on 5.1.2024
Appendix II	Relevant extract of TPB PG-No. 13G
Appendix III	Relevant extract of TPB PG-No. 34D
Appendix IV	Previous applications
Appendix V	Government departments' general comments

Appendix VI	Recommended advisory clauses
Drawing A-1	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
JANUARY 2024**