

RNTPC Paper No. A/YL-TT/520
For Consideration by
the Rural and New Town
Planning Committee
on 14.5.2021

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/520

- Applicant** : Sharply HK Investment Limited represented by Skye Development Limited
- Site** : Lots 1463 RP and 1464 in D.D. 118 and Adjoining Government Land (GL),
Tai Tong, Yuen Long, New Territories
- Site Area** : 2,210 m² (about) (including GL of about 759 m² (about 34.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17
- Zonings** : “Conservation Area” (“CA”) (about 95.1%)
“Agriculture” (“AGR”) (about 4.9%)
- Application** : Proposed Temporary Crane Training Centre with Ancillary Facilities 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 crane training centre with ancillary facilities for a period of 3 years (**Plan A-1**). Although the proposed use is neither a Column 1 or 2 use in the “CA” and “AGR” zones, the covering Notes of the OZP stipulate that temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently vacant (**Plans A-2 and A-4**) and does not involve any previous application.
- 1.2 According to the applicant, the proposed training centre will provide theoretical and hands-on training in mobile crane and elevating work platform operation and relevant health/safety regulations by qualified instructors. There will be a maximum of two training sessions each day, with about 20 persons (including students, instructors and other staff) on site for each session. The open area will be used for hands-on training. About ten mobile cranes of various sizes will be used at the Site. No workshop activities will be carried out at the Site. A site layout plan submitted by the applicant is at **Drawing A-1**.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 2,210 m ² (including GL of about 759 m ² (about 34.3%))
Total Floor Area (Non-domestic)	About 297 m ²
No. and Height of Structures	5 <ul style="list-style-type: none"> • two for training centre with/without ancillary office (3m, 1 storey) • one for storage (8m, 1 storey) • one for security room (3m, 1 storey) • one for toilet (3m, 1 storey)
No. of Parking and Loading/Unloading Spaces	7 <ul style="list-style-type: none"> • one for medium/heavy goods vehicle (HGV) (11m x 3.5m) • six for private cars (5m x 2.5m each)
Operation Hours	9:00 a.m. to 6:00 p.m. for Mondays to Fridays, 10:00 a.m. to 6:00 p.m. for Saturdays, with no operation on Sundays and Public Holidays

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

- (a) Application Form with plans received on 16.3.2021 **(Appendix I)**
- (b) Supplementary Information received on 19.3.2021 **(Appendix Ia)**
providing a replacement page of the Application Form
and a revised site layout plan
- (c) Supplementary Information received on 22.3.2021 **(Appendix Ib)**
clarifying the proposed operation
- (d) Further Information (FI) received on 27.4.2021 **(Appendix Ic)**
clarifying the proposed operation
- (e) FI received on 6.5.2021 responding to departmental comments **(Appendix Id)**
[(d) and (e) 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 (**Appendices I to Id**). They can be summarised as follows:

- (a) There is a severe shortage of mobile crane and elevating work platform training space in Hong Kong. Long waiting time for training sessions provided by the Construction Industry Council is often encountered. The proposal could meet the acute demand for such training, bring benefits to the economy and generate employment by replenishing the manpower for mobile crane operation.
- (b) There has been no vegetation growth at the Site since October 2020. As such, rehabilitating the Site for agricultural use is not feasible. The Site falls outside the

Yuen Long South Development Area. The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F) as part of the Site (within the “AGR” zone) falls within Category 3 areas.

- (c) No filling of pond/land will be required for the proposal. The surrounding environment of the Site is similar to that of an approved application (No. A/YL-TT/506) in the area.
- (d) No adverse traffic, environmental, visual, landscape and drainage impacts arising from the proposal are envisaged. The Site is readily accessible by public transport services and shuttle service will be provided for staff and students. HGV will only access the Site at the construction stage or for replacing the mobile cranes. Daily maintenance will be conducted on site. All cranes are in compliance with relevant environmental regulations/standards. Furthermore, the crane boom (extendable to 10m in length) will be laid down when not in use. Should the application be approved, all approval conditions will be complied with.

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

The applicant is one of two “current land owners” and 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 obtaining consent from the other “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous planning application concerning the Site.

6. Similar Applications

There is no similar application within the subject “CA” zone. However, there is one rejected and ten approved similar applications all for temporary forklift training centre with ancillary facilities involving largely three sites submitted by one applicant for the same forklift training operation within the subject “AGR” zone. Details of the applications are at **Appendix III** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tai Shu Ha Road West to its northeast via a short local track (**Plans A-2 and A-3**); and
- (b) currently vacant and partly fenced-off.

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) rural fringe in character consisting mainly shrubland with isolated residential structures, scattered graves, a warehouse, a plant nursery, an orchard and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 50m to its southwest; and
- (c) the warehouse in the vicinity is suspected unauthorised development (UD) subject to enforcement action taken by the Planning Authority.

8. Planning Intention

The planning intention of the “CA” zone is to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Country Park from the adverse effects of development. There is a general presumption against development in this zone. In general, only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or are essential infrastructure projects with overriding public interest may be permitted.

9. Comments from Relevant Government Departments

9.1 The following government departments have been consulted and their views on the application and the public comment, where relevant, are summarised as follows:

Land Administration

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) 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.
 - (b) No permission is given for occupation of GL (about 759m² subject to verification) included in the Site. Any occupation of GL without Government’s prior approval is not allowed.
 - (c) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or to regularise any irregularities

on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Tai Shu Ha Road West should be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water running from the Site to the nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Tai Shu Ha Road West.

Environment

9.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located about 50m to the southwest of the Site) (**Plan A-2**) and the submissions have not demonstrated that the operational noise of the proposed training centre would comply with the noise standard in the Hong Kong Planning Standards and Guidelines (HKPSG). A noise impact assessment should be provided to demonstrate the environmental acceptability of the proposal with mitigation measures suitably implemented.

- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

Nature Conservation and Agriculture

9.1.5 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) She has reservations on the application.
- (b) Although the Site is currently vacant and devoid of natural vegetation, the proposed use is neither a Column 1 nor 2 use under the “CA” and “AGR” zones. Besides, the Site is considered to have potential for agricultural rehabilitation in view of the active agricultural activities in the vicinity and availability of agricultural infrastructures such as road access and water sources.

Landscape

9.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

- (a) She has reservations on the application from landscape planning perspective.
- (b) According to the aerial photo of 2020 (**Plan A-3**), the Site is located in an area with miscellaneous rural fringe landscape character, which is predominated by burial grounds and woodlands with some temporary structures. With reference to site photos (**Plan A-4**), the Site is vacant with bare soil. Two existing trees of common species are found within southeastern corner of the Site and four existing trees of common species are found along the southwestern boundary of the Site. In view that the “CA” zone is intended to preserve the existing natural character and the topographical features in the area, the proposed development is considered incompatible with the surrounding rural fringe character.
- (c) Given that there is no similar application previously approved within the same “CA” zone, there is concern that approval of the planning application may encourage other similar applications to proliferate in the “CA” zone. The cumulative impact of which would result in a general degradation of the landscape quality of the surrounding environment in “CA” zone.
- (d) The applicant should be reminded of the detailed comments at **Appendix IV**.

Drainage

9.1.7 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the proposed development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also be reminded of the detailed comments at **Appendix IV**.

Building Matters

9.1.9 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

District Officer's Comments

9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

Her office has not received any comment from the village representatives in the vicinity regarding the application.

9.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD); and
- (c) Commissioner of Police (C of P).

10. Public Comment Received During the Statutory Publication Period

On 23.3.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from Kadoorie Farm and Botanic Garden Corporation (**Appendix III**) objecting to the application on the grounds that the proposal is not in line with the planning intentions of the “CA” and “AGR” zones; and approval of the application would set an undesirable precedent for other similar applications.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary crane training centre with ancillary facilities for a period of 3 years at the Site mainly zoned “CA” (about 95.1%) with a minor portion within “AGR” zone (about 4.9%) on the OZP. The planning intention of the “CA” zone is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes. There is a general presumption against development in this zone. The proposed use is not in line with the planning intention of the “CA” zone. DAFC also has reservation on the application as there are active agricultural activities and agricultural infrastructures in the vicinity and the Site possesses potential for agricultural rehabilitation. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis.
- 11.2 The proposal is generally incompatible with the rural fringe character of the area (**Plan A-2**) and CTP/UD&L, PlanD has reservations in this regard. Although there is a warehouse in the vicinity of the Site, it is a suspected UD subject to enforcement action undertaken by the Planning Authority.
- 11.3 DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 50m to its southwest) (**Plan A-2**), and the submissions have not demonstrated that the operational noise of the proposed training centre would comply with the noise standard in the HKPSG. Overall, there is no relevant information in the submission to demonstrate that the proposal will not generate adverse environmental impacts on the surrounding area. Other relevant departments, including CE/MN, DSD and D of FS, have no objection to/adverse comments on the application.
- 11.4 There is no previous approval granted to the Site nor similar application within the subject “CA” zone. CTP/UD&L, PlanD considered that the cumulative effect of approving such similar applications would result in a general degradation of the landscape quality of the surrounding environment in the “CA” zone.

- 11.5 There was one public comment objecting to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment as summarised in paragraph 10, the Planning Department does not support the application for the following reasons:

- (a) the proposed use is not in line with the planning intention of the “CA” zone, which is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding areas.

- 12.2 Alternatively, 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 14.5.2024. 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. on Mondays to Fridays and no operation between 6:00 p.m. and 10:00 a.m. on Saturdays, 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 workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (f) the provision of boundary fencing on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 14.11.2021;
- (g) the submission of a Noise Impact Assessment within **6** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 14.11.2021;

- (h) in relation to (g) above, the implementation of the mitigation measures proposed in the Noise Impact Assessment within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 14.2.2022;
- (i) 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 14.11.2021;
- (j) in relation to (i) 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 14.2.2022;
- (k) in relation to (j) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (l) the submission of 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 14.11.2021;
- (m) in relation to (l) 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 14.2.2022;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (k) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (l) or (m) 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
- (p) upon 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.

Advisory clauses

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

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form with plans received on 16.3.2021
Appendix Ia	Supplementary Information received on 19.3.2021
Appendix Ib	Supplementary Information received on 22.3.2021
Appendix Ic	FI received on 27.4.2021
Appendix Id	FI received on 6.5.2021
Appendix II	Similar Applications within the subject “AGR” zone on the OZP
Appendix III	Public Comment received during the Statutory Publication Period
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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2021**