

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/578

- Applicant** : Concut Engineering Limited represented by Conrad Tang & Associates Limited
- Site** : Lot 936 in D.D. 118, No. 66 Nam Hang Tsuen, Yuen Long, New Territories
- Site Area** : 265.2 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23m)]
- Application** : Temporary Warehouse for Storage of Construction Equipment for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction equipment for a period of three years at the application site (the Site) (**Plan A-1**). While the applied use is neither a Column 1 or 2 use in the “V” zone, the covering Notes of the OZP stipulate that temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the applied use is for storage of construction equipment, including drilling equipment and forklifts. No open storage and workshop activities will be carried out at the Site. No medium/heavy goods vehicles will be allowed to access the Site. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 265.2 m ²
Total Floor Area	About 189.1 m ²

No. of Structures	5 for warehouses, site offices and toilet all under canopies
Height of Structures	2.9 - 4.03m (1 storey)
No. of Parking Space	1 for private car (5m x 2.5m)
No. of Loading/ Unloading Space	1 for light van (5m x 2.5m)
Operation Hours	8:00 a.m. to 6:00 p.m., 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 Attachments received on 3.11.2022 (**Appendix I**)
- (b) Supplementary Information (SI) received on 10.11.2022 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachment to the Application Form (**Appendix I**). They can be summarised as follows:

- (a) some structures within the Site have been in existence since the 1990s. As a recent extension building is under lease enforcement action, the current application is submitted to regularise the warehouse use at the Site. Given the site history, sympathetic consideration may be given to the current application;
- (b) the size and scale of the Site renders it suitable for the applied use. As all the land within the “Open Storage” (“OS”) zones in Tai Tong have been utilised, the proposed development can meet the demand for warehouses in the area and put the subject land into better use;
- (c) as there is no Small House application approved/under processing within the Site, the temporary proposal would not jeopardise the long-term planning intention of the “V” zone; and
- (d) industrial and warehouse uses are commonly found adjacent to residential dwellings and hence the applied use is considered not incompatible with the surrounding area. The applied use is small in scale and no adverse traffic, environmental, drainage, sewerage, visual and landscape impacts are envisaged.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

There is one similar application for temporary storage of furniture and miscellaneous items for a period of three years (No. A/YL-TT/145) within the subject “V” zone, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 25.7.2003 mainly on the grounds that the development was not in line with the planning intention of the “V” zone; incompatible with the surrounding residential and rural character; there was no information in the submission to demonstrate that no suitable land within “OS” zones was available for the development; and setting of an undesirable precedent. Details of the application are summarised in **Appendix II** and the location of the site is shown on **Plan A-1**.

7. Planning Intention

The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within the zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

8.1 The Site is:

- (a) accessible from Tai Shu Ha Road West to its east via a local track; and
- (b) paved and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

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

- (a) comprise predominantly village houses and residential structures with scattered parking of vehicles, open storage/storage yards, a construction site, unused land and vacant land/structures;
- (b) there are many residential structures in the vicinity of the Site with the nearest ones located to its immediate west; and
- (c) the parking of vehicles and open storage/storage yards in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments 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 on the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

9.2 The following government departments have comments on the application:

Land Administration

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

He has grave concerns given that there are unauthorized building works and/or uses on the private lot(s) which are already subject to lease enforcement actions. The lot owner(s) should remedy the lease breaches as demanded by his department.

Traffic

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

- (a) since the Tai Shu Ha Road West/Tai Kei Leng Road junction is very busy during peak hours, any traffic flow induced on this junction during peak hours is undesirable;
- (b) the applicant should provide hourly trip generation and trip attraction of the applied development;
- (c) the applicant should specify the size and headroom of the proposed parking spaces and loading/unloading (L/UL) area; and
- (d) the local track leading to the Site is not under her purview.

10. Public Comments Received During the Statutory Publication Period

On 11.11.2022, the application was published for public inspection. During the statutory public inspection period, three public comments were received from individuals. Two of which object to the application on the grounds that the applied use will generate adverse traffic, environmental and fire safety impacts and security concerns on the surrounding area (**Appendices V-1 and V-2**). One individual opines the approved use is not compatible with the nearby residential uses (**Appendix V-3**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of construction equipment for a period of three years at the Site zoned “V” on the OZP. The applied use is not in line with the planning intention of the “V” zone, which is primarily for

development of Small Houses by indigenous villagers. 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 surrounding area comprises predominantly village houses and residential structures (**Plan A-2**). Although there are scattered open storage/storage yards in the vicinity, they are all suspected UD's subject to possible planning enforcement action. The applied use is generally considered not compatible with the surrounding residential character.
- 11.3 C for T is of the view that information such as traffic trip generation/attraction of the applied use and the size/headroom of the parking and L/UL areas should be provided and that any traffic flow induced on the nearby Tai Shu Ha Road West/Tai Kei Leng Road junction during peak hours is undesirable. In this connection, there is no relevant information provided in the submission to address the comments of the C for T and to demonstrate that the applied use will not generate adverse traffic impact. DLO/YL, LandsD also has grave concerns on the application given there are unauthorized building works and/or uses on the Site which are currently subject to lease enforcement actions. Other relevant departments, including Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comments on the application.
- 11.4 There is one similar application (No. A/YL-TT/145) within the subject "V" zone, which was rejected by the Committee in 2003 mainly on the grounds that the development was not in line with the planning intention of the "V" zone and not compatible with the surrounding residential and rural character, amongst other grounds. Such considerations are generally relevant to the current application.
- 11.5 There are three public comments objecting to/opining 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 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:
 - (a) the applied use is not in line with the planning intention of the "V" zone, which is primarily for development of Small Houses by indigenous villagers. No strong planning justifications have been given in the submission for a departure from the planning intention, even on a temporary basis; and
 - (b) the applied use is not compatible with the surrounding residential character.
- 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 three years until 23.12.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 23.6.2023;
- (b) in relation to (a) 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 23.9.2023;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 23.6.2023;
- (e) in relation to (d) 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 23.9.2023;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (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.

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 Attachments received on 3.11.2022
Appendix Ia	SI received on 10.11.2022
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 to V-3	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**