

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

**APPLICATION NO. A/YL-TT/600**

<b><u>Applicant</u></b>	:	Sun Shing Machinery & Construction Company Limited represented by Lanbase Surveyors Limited
<b><u>Site</u></b>	:	Lots 2270 S.A (Part), 2273 (Part), 2274 (Part) and 2275 in D.D. 118 and Adjoining Government Land (GL), Sung Shan New Village, Tai Tong, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	833 m <sup>2</sup> (about) (including GL of about 120 m <sup>2</sup> or 14%)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Draft Tai Tong (TT) Outline Zoning Plan (OZP) No. S/YL-TT/19
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary forklift training centre with ancillary facilities for a period of three years at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, 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 with valid planning permission under application No. A/YL-TT/499 until 1.9.2023 (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Tai Shu Ha Road East to its west (**Plan A-1a**). According to the applicant, two one to two storeys structures (6m in height) are used for office, training and storage uses. The operation hours of the applied use will be between 8:30 a.m. to 6:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. No forklift truck would be driven into/out of the Site and no workshop activities will be carried out thereat. The site layout plan with vehicular access and as-built drainage facilities submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is the subject of six previous applications including five applications (No. A/YL-TT/67, 91, 183, 404 and 499) for the same use as the current application approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-TT/499), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	About 833 m <sup>2</sup>
<b>Total Floor Area</b>	About 252.335 m <sup>2</sup>
<b>No. and Height of Structures</b>	2 for office, training and storage uses (6m, 1-2 storey(s))
<b>No. of Parking Space</b>	1 (1 for private car) (5m x 2.5m)
<b>Operation Hours</b>	8:30 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 27.6.2023 (Appendix I)
  - (b) Supplementary Planning Statement (Appendix Ia)
  - (c) Further Information (FI) received on 18.7.2023\* (Appendix Ib)
  - (d) FI received on 14.8.2023\* (Appendix Ic)
- \*accepted and exempted from publication and recounting requirements

*(FI received on 6.7.2023 was superseded and not attached)*

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI (Appendices I and Ia). They can be summarised as follows:

- (a) The forklift training centre located adjacent to the Site has been in existence for many years with valid planning permissions. The current application is to provide additional training area and site office in support of the aforesaid training centre in order to cope with the increasing demand for forklift training arising from expansion of the construction industry in recent years. The proposal is supported by the Construction Industry Training Authority.
- (b) The Site is the subject of five previous planning applications for the same use as the current application. All the approval conditions imposed on the last application (No. A/YL-TT/499) have been satisfactorily complied with. Favourable consideration should be given to the current application.
- (c) Agricultural activities on the Site have ceased for more than 20 years. Nearly all the agricultural land immediately surrounding the Site have been converted to other

uses or left fallow. Most of the livestock activities in the area have also ceased operation. The Site is unlikely to be rehabilitated for agricultural use. The applied use is generally compatible with the surrounding land uses.

- (d) No adverse traffic, drainage and environmental impacts are anticipated.

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

The applicant is not a “current land owner” 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 the notice to Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

### 4. **Town Planning Board Guideline**

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is also relevant to the application. The relevant assessment criteria are at **Appendix II**.

### 5. **Background**

The Site is currently not subject to planning enforcement action.

### 6. **Previous Applications**

- 6.1 The Site is involved in six previous applications (No. A/YL-TT/40, 67, 91, 183, 404 and 499) for the same use as the current application, with the former four applications covering only a minor portion at the southwestern part of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

#### *Rejected application*

- 6.2 Application No. A/YL-TT/40 covering a much larger site to the south was rejected by the Committee on 25.9.1998 mainly on the grounds that the development was not in line with the planning intention of the “AGR” zone; there was no strong justification for a departure from the planning intention; the proposal was not compatible with the surrounding rural land uses and nearby residential structures; there was insufficient information in the submission to demonstrate that the proposal would not cause adverse noise and drainage impacts on the surrounding areas; and setting undesirable precedent.

*Approved applications*

- 6.3 Applications No. A/YL-TT/67, 91 and 183 covering a small part of the Site were approved with conditions by the Committee between 2000 and 2005 each for a period of three years, mainly on the considerations that the proposals were not for open storage or industrial activities; the scale and intensity of the development were in keeping with the rural setting of the surrounding area; no adverse traffic and drainage impacts were envisaged; and there were no adverse departmental comments on the applications. However, the planning permission of application No. A/YL-TT/67 was subsequently revoked in 2001 due to non-compliance with approval conditions.
- 6.4 Applications No. A/YL-TT/404 and 499 were approved with conditions by the Committee for a period of three years on 11.8.2017 and 1.9.2020 mainly on the considerations that it was an extension of the adjacent temporary forklift training centre approved since 2000; the applied use was considered not incompatible with the surrounding areas; the concerns on the potential environmental nuisances could be addressed by way of approval conditions; and approval of the application was generally in line with the Committee's previous decisions. All the time-limited approval conditions under the last approved application (No. A/YL-TT/499) have been complied with and the planning permission is valid until 1.9.2023.

**7. Similar Application**

There is one similar planning application (No. A/YL-TT/506) for temporary forklift training centre with ancillary facilities use within the subject "AGR" zone in the past five years. The application was approved by the Committee mainly on similar considerations as those mentioned in paragraph 6.4 above. Details of the application is summarised in **Appendix III** and the location of the site is shown on **Plan A-1a**.

**8. Planning Intention**

The planning intention of the "AGR" zone is intended 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.

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

9.1 The Site is:

- (a) accessible via a local track leading from Tai Shu Ha Road East to its west (**Plan A-1a**); and
- (b) hard paved, fenced off and currently occupied by the applied use with valid planning permission (**Plan A-4**).

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

- (a) predominantly rural in character intermixed with scattered residential structures, open storage/storage yards, a workshop, forklift training centre, pump house and unused land;
- (b) to its immediate south is a forklift training centre operating with valid planning permission under application No. A/YL-TT/506;
- (c) there are scattered residential structures in its vicinity with the nearest one about 25m to its northwest (**Plan A-2**);
- (d) to its immediate west and north are a nullah and a local track; and
- (e) except for the forklift training centre and a pump house, the remaining open storage/storage yards, construction company, workshop and parking of vehicles in the vicinity of the Site are suspected unauthorized developments subject to planning enforcement action.

## **10. Comments from Relevant Government Departments**

All government 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 IV and V** respectively.

## **11. Public Comment Received During the Statutory Publication Period**

On 4.7.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary forklift training centre with ancillary facilities for a period of three years at the Site zoned “AGR” on the OZP. Although the proposal is not in line with the planning intention of the “AGR” zone, the Director of Agriculture, Fisheries and Conservation has no strong view on the application from agricultural point of view. The applied use can meet the demand for such facility for the construction industry. Approval of the application on a temporary basis for a three years would not frustrate the long-term planning intention of the area.

12.2 The surrounding land uses which are predominantly rural in character but mixed in nature with scattered residential structures, open storage/storage yards, workshop, forklift training centre, construction company and parking of vehicles, etc. (**Plan A-2**). While there are residential structures in the vicinity, the applied use is generally not incompatible with the surrounding uses.

12.3 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances; adverse implications arising from the

renewal of the planning approval are not envisaged; all the time-limited approval conditions under the previous approval had been complied with; concerned government departments have no objection to or no adverse comments on the application; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.

- 12.4 Relevant government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There was no environmental complaint concerning the Site received in the past three years. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisance on the surrounding areas.
- 12.5 Given that five previous approvals for the same use have been granted to the Site since 2000 and one similar application within the subject “AGR” zone has been approved in the past five years, approval of the current application is in line with the Committee’s previous decisions. There was one previous application (No. A/YL-TT/40) rejected by the Committee in 1998 mainly on the considerations that there were potential adverse environmental and drainage impacts on the surrounding areas. Such considerations are generally not applicable to the current application as the concerned departments have no objection to/no adverse comment on the current application.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the renewal of planning approval for temporary forklift training centre with ancillary facilities could be tolerated for a period of three 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 three years and be renewed from **2.9.2023** ~~1.9.2023~~ to 1.9.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.12.2023;

- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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
- (e) if the above planning condition (b) 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.

*[Approval conditions (a) to (c) are the same as that under the permission for application No. A/YL-TT/499; other conditions have been removed as per latest departmental comments and Planning Department's latest requirement.]*

#### Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the development is not in line with the planning intention of the "AGR" zone which 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. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis.

## **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 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**

<b>Appendix I</b>	Application Form with attachments received on 27.6.2023
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 18.7.2023
<b>Appendix Ic</b>	FI received on 14.8.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 34D

<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout and Vehicular Access Plan
<b>Drawing A-2</b>	As-built Drainage Proposal
<b>Plan A-1a</b>	Location Plan with Similar Application
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2023**