

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

APPLICATION NO. A/YL-TT/614

<u>Applicant</u>	:	Sun Shing Machinery & Construction Company Limited represented by Lanbase Surveyors Limited
<u>Site</u>	:	Lots 2269 S.B ss.1 (Part), 2270 S.A (Part), 2270 S.B (Part), 2271 (Part), 2272 and 2273 (Part) in D.D. 118 and Adjoining Government Land (GL), Sung Shan New Village, Tai Tong, Yuen Long, New Territories
<u>Site Area</u>	:	4,600 m ² (about) (including GL of about 300 m ² or 6.5%)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	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/506 until 12.12.2023 (**Plans A-2, A-4a and A-4b**).
- 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, the applied use provides theoretical and hands-on training in forklift operation and safety measures for existing and potential forklift operators. No forklift truck would be driven into/out of the Site and no dismantling, maintenance, repairing, cleansing, paint-spraying and other workshop activities will be carried out thereat. No medium or heavy goods vehicle will be parked/stored or enter/exit the Site. The site layout plan with vehicular access, as-built drainage facilities and fire service installations (FSIs) plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of nine previous applications (No. A/YL-TT/40, 67, 91, 183, 236, 293, 338, 413 and 506) for the same use as the current application, in which eight of them were 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/506), 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:

Site Area	About 4,600 m ² (including GL of about 300 m ²)
Total Floor Area	About 1,825.85 m ²
No. and Height of Structures	8 for training, office and ancillary uses (4-8m, 1-2 storey(s))
No. of Parking Space	10 (for private car) (5m x 2.5m)
No. of Loading/unloading Space	1 (for light goods vehicle) (7m x 3.5m)
Operation Hours	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 20.9.2023 (**Appendix I**)
 - (b) Supplementary Planning Statement (**Appendix Ia**)
 - (c) FI received on 1.11.2023 (**Appendix Ib**)
[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 Supplementary Planning Statement (**Appendices I and Ia**). They can be summarised as follows:

- (a) The applied forklift training centre serves to provide an alternative outlet for existing and potential forklift operators to acquire theoretical knowledge and hands-on technique in forklift operation and safety measures from qualified instructors.
- (b) The Site is the subject of eight planning permissions for the same use as the current application. All the approval conditions under the last application (No. A/YL-TT/506) have been complied with. As there is no major change in planning circumstances, favourable consideration should be given to the 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. 31B) 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. 31B 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 nine previous applications for the same use submitted by the same applicant as the current application. Except the first application (No. A/YL-TT/40) which was rejected, the other eight applications were approved with conditions by the Committee between 2000 and 2020. 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 larger site including a piece of land 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 an undesirable precedent.

Approved applications

- 6.3 The other eight applications (No. A/YL-TT/67, 91, 183, 236, 293, 338, 413 and 506) were approved with conditions by the Committee between 2000 and 2020 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. The permission for application No. A/YL-TT/67 was subsequently revoked in 2001 due to non-compliance with approval conditions. For the last application (No. A/YL-TT/506), all the time-limited approval conditions have been complied with and the permission is valid up to 12.12.2023.

7. Similar Applications

There are two similar planning applications (No. A/YL-TT/499 and 600) for temporary forklift training centre use at a site within the subject “AGR” zone since 2020. The applications were approved by the Committee mainly on considerations that the proposals would not frustrate the long-term planning intention; the proposals were not incompatible with the surrounding uses; and there were no adverse comments/objection from relevant departments. Details of the applications are 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-4b)

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 (**Plans A-4a and 4b**).

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 construction company, a forklift training centre, parking of vehicles, a pump house, vacant and unused land;
- (b) to its immediate north is a forklift training centre operating with valid planning permission under application No. A/YL-TT/600;

- (c) there are scattered residential structures in its vicinity with the nearest one about 15m to its west (**Plan A-2**); and
- (d) except for the forklift training centre and the pump house, the remaining open storage/storage yards, construction company 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 29.9.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual providing views that the Site should be rezoned to reflect the as-built condition and public participation in the planning process has been severely reduced recently (**Appendix VI**).

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. Taking into account the planning assessments below, the applied use on a temporary basis of a further three years can be tolerated.
- 12.2 The surrounding land uses are predominantly rural in character with scattered residential structures, open storage/storage yards, forklift training centre 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 eight previous approvals for the same use have been granted to the Site since 2020 and two 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.
- 12.6 There is one public comment providing views on the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant. Regarding the public participation in planning process, there has been no change in public participation in respect of section 16 planning applications.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and taking into account the public comment summarised in paragraph 11 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 13.12.2023 to 12.12.2026. 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) in relation to (a) above, 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 Planing Board by 13.3.2024;
- (c) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.6.2024;

- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 13.9.2024;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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) and (b) are the same as that under the permission for application No. A/YL-TT/506; other conditions have been revised or 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

Appendix I	Application Form with attachments received on 20.9.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 1.11.2023
Appendix II	Relevant Extracts of TPB PG-No. 34D

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

**PLANNING DEPARTMENT
NOVEMBER 2023**