

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

APPLICATION NO. A/YL-TT/506

<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 about 300 m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17
<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 3 years at the application site (the Site) (**Plan A-1a**). Although the subject use is neither a Column 1 or 2 use in the “AGR” zone, according to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zone 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 occupied by the applied use with valid planning permission under application No. A/YL-TT/413 until 12.12.2020 (**Plans A-2, A-4a to A-4b**).
- 1.2 The Site involves eight previous applications for the same use as the current application. The last application (No. A/YL-TT/413) was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 24.11.2017. All the time-limited approval conditions have been complied with and the planning permission is valid up to 12.12.2020. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same

site layout and development parameters.

- 1.3 According to the applicant, the Site 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. No dismantling, maintenance, repairing, cleansing, paint-spraying and other workshop activities will be carried out on the Site. No medium or heavy goods vehicle will be parked/stored or enter/exit the Site. The applicant pledges to properly maintain all the existing drainage facilities, landscaping and fire services installations (FSIs) at the Site at its own expense. Plans showing the site layout and its vehicular access, as-built drainage proposal and FSI proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 The major development parameters of the previously approved application No. A/YL-TT/413 are the same as the current application, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TT/413	Current Application No. A/YL-TT/506
Applied Use	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	
Site Area	About 4,600 m ² (including GL of about 300 m ²)	
Total Floor Area (Non-domestic)	About 1,825.85 m ²	
No. and Height of Structures	<p style="text-align: center;">8</p> <ul style="list-style-type: none"> • one for training ground use (8m, 1 storey) • two for training centre and office use (8m, 2 storey) • two for storage area (8m, 1 storey) • one for office use (8m, 2 storey) • one for security room (4m, 1 storey) • one for toilet use (4m, 1 storey) 	
No. of Parking Spaces	10 (for private car)	
Operation Hours	8:30 a.m. to 6:00 p.m. 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 received on 15.9.2020 **(Appendix I)**
 - (b) Supplementary Planning Statement **(Appendix Ia)**
 - (c) Supplementary Information (SI) received on 15.9.2020 providing a set of revised Executive Summary **(Appendix Ib)**
 - (d) SI received on 18.9.2020 providing a revised layout plan **(Appendix Ic)**
 - (e) Further information (FI) received on 29.10.2020 in response to departmental comments and provide clarification on its operation **(Appendix Id)**

- (f) FI received on 2.11.2020 in response to departmental comments and providing a FS251 certificate **(Appendix Ie)**
[(e) and (f) 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 Part 5 of the Supplementary Planning Statement at **Appendix Ia** and FI at **Appendix Id**. They can be summarised as follows:

- (a) The Site is the subject of 7 planning permissions for temporary forklift training centre with ancillary facilities use. As the Site has been granted previous planning approvals, all the approval conditions under the last application (No. A/YL-TT/413) have been complied with, and there is no major change in planning circumstances, favorable consideration should be given to the application.
- (b) 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. There is a continuous demand for forklift drivers in Hong Kong and it is necessary to keep providing formal forklift training. The temporary training centre could cater for such demand and is supported by the Construction Industry Training Authority.
- (c) The agricultural use on the Site has been terminated since 1979. Nearly all the agricultural land immediately surrounding the Site has been converted to other uses or left fallow. In addition, most of the livestock activities in the area, i.e. poultry and pig farming, have ceased operations. With the surrounding land uses being predominantly non-agricultural in nature, it is unlikely that the Site will be rehabilitated for agricultural use. The current use of the Site is considered compatible with the neighbouring industrial, open storage and port back-up activities.
- (d) Since the development is for providing forklift training service, no additional traffic, drainage and environmental impacts are anticipated. The existing structures on-site would continue to provide buffer to minimise noise nuisance to the adjacent residential uses. The existing landscape plantings and drainage facilities will be properly maintained.

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 notice outside the Site 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 GL, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

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. 34C) are relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 8 previous applications (No. A/YL-TT/40, 67, 91, 183, 236, 293, 338 and 413) all for the same use as the current application and submitted by the same applicant as the current application. Except the first application (No. A/YL-TT/40) which was rejected, the other 7 applications were approved with conditions by the Committee between 2000 and 2017. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-TT/40 for the same use as the current application albeit for a temporary period of 12 months was rejected by the Committee on 25.9.1998 on the grounds that the development was not in line with the planning intention of the “AGR” zone; 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 approval of the application would set an undesirable precedent for other similar applications.
- 6.3 The 7 subsequent applications (No. A/YL-TT/67, 91, 183, 236, 293, 338 and 413) were approved with conditions by the Committee between 2000 and 2017 each for a period of 3 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 permission for application No. A/YL-TT/67 was subsequently revoked in 2001 due to non-compliance with approval conditions. All the time-limited approval conditions under the last application (No. A/YL-TT/413) have been complied with and the permission is valid up to 12.12.2020.
- 6.4 Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

7. Similar Applications

There are two similar applications (No. A/YL-TT/404 and 499) for temporary forklift training centre with ancillary facilities at the same site within the subject “AGR” zone, which were both approved with conditions each for a period of 3 years by the Committee in 2017 and 2020. The applications were approved mainly on similar considerations that it was an extension of the adjacent temporary forklift training centre (i.e. the current application site) approved since 2000; the applied use was considered not incompatible with the surrounding areas; there was no environmental complaint received in the past three years; 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. Details of the applications are at **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible via a local track leading from Tai Shu Ha Road East to its west (**Drawing A-1** and **Plan A-1a**);
- (b) hard-paved and mainly fenced off; and
- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TT/413.

8.2 The surrounding areas have the following characteristics:

- (a) predominantly rural in character but mixed in nature with scattered residential structures, open storage/storage yards, an extension of the subject forklift training centre, a plant nursery, graves, shrubland, vacant school and unused/ vacant structures and land;
- (b) to its immediate west near the site entrance are a nullah and a local track;
- (c) about 60m to its northwest is an area zoned “Conservation Area”;
- (d) there are scattered residential structures in its vicinity with the nearest one about 20m to its southwest (**Plan A-2**); and
- (e) except for the extension of the subject forklift training centre to the immediate north of the Site operating with valid planning permission under application No. A/YL-TT/499, the open storage/storage yards in the vicinity of the Site are suspected unauthorised developments (UD) subject to enforcement action by the Planning Authority.

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 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

10.1.1 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) Lot 2270 S.A (Part) in D.D. 118 is covered by Short Term Waiver (STW) No. 2422 to permit structures erected thereon for the purpose of forklift training centre with ancillary facilities. The GL within the Site is covered by Short Term Tenancy (STT) No. 2443 for the purpose of forklift training centre with ancillary facilities.
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or 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. 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

10.1.2 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 East 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.

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

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

Environment

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

- (a) There was no environmental complaint concerning the Site received in the past 3 years.
- (b) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) issued by the Environmental Protection Department to minimise any potential environmental nuisances on the surrounding area.

Agriculture and Nature Conservation

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

Considering that the previous application for the same use as the current application was approved by the Board, he has no strong view against the application for renewal of planning approval from agricultural point of view.

Landscape

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

- (a) She has no objection from the landscape planning perspective.
- (b) According to the aerial photo of 2019 (**Plan A-3**) and the site photos taken by her office on 5.10.2020, the Site is hard paved

with temporary structures occupying across the Site and existing trees are found generally along the boundary within the Site. The Site is located in an area of miscellaneous rural fringe landscape character predominated by open storage yards, temporary structures, warehouses and woodlands. Significant change to the landscape character and the landscape resources arising from the continued use of the application is not anticipated.

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

Drainage

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

- (a) He has no objection in principle to the proposal.
- (b) Based on the drainage proposal/planning statement enclosed in the application (**Appendix Ia**), apparently the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TT/413.
- (c) Should the Board consider the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TT/413 and the submission of condition records of the existing drainage facilities on Site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Building Matters

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

- (a) As there is no record of approval by the Building Authority for the structures existing 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 VI**.

District Officer's Comments

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

The Site falls within Sung Shan New Village which is not an Indigenous / Composite Indigenous Village of Shap Pat Heung. His office is unable to consult village representatives in the vicinity.

10.2 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);
- (c) Director of Electrical and Mechanical Services (DEMS); and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 22.9.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment (**Appendix V**) was received from an individual suggesting to rezone the site for permanent forklift training centre use.

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 3 years at a site zoned "AGR" on the OZP. 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. Although the proposal is not in line with the planning intention, DAFC has no strong view on the application from agricultural point of view. Approval of the application on a temporary basis for a further three years would not frustrate the long-term planning intention of the area.
- 12.2 The proposal is considered not incompatible with the surrounding land uses which are predominantly rural in character but mixed in nature with scattered residential structures, open storage/storage yards, the extension of the subject forklift training centre and a plant nursery, etc.(**Plan A-2**).
- 12.3 The application is generally in line with TPB PG-No.34C in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TT/413; all the approval conditions under the previous application have been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 There is no adverse comment on the application from concerned departments, including C for T, CE/MN, DSD, CTP/UD&L, PlanD and DEP. Significant

adverse traffic, drainage, landscape and environmental impacts arising from the proposal are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 13.2 to address the technical requirements of concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the latest Code of Practice to minimise any potential environmental impact on the surrounding area.

- 12.5 Given that seven previous approvals for the same use have been granted to the Site and two similar applications have been approved in the subject “AGR” zone and in the vicinity, approval of the subject application is generally 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 grounds, amongst others, that there were potential adverse environmental and drainage impacts on the surrounding areas. However, such consideration is generally not applicable as relevant concerned departments have no adverse comment on the current application.
- 12.6 There is one public comment as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comment as summarised in paragraph 11 above, the Planning Department considers that the temporary forklift training centre with ancillary facilities 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 from 13.12.2020 to 12.12.2023. 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 8:30 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 forklift truck is allowed to be driven into/out from the Site, as proposed by the applicant, at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint-spraying and other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including

container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (i) 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 13.3.2021;
- (j) the existing fire service installations implemented on the Site should be maintained in efficient working order at all times during the planning approval period;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (j) 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
- (l) if the above planning condition (i) 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 (i) are same as those under the permission for application No. A/YL-TT/413, while condition (j) is updated to accord with the department's latest requirements.]

Advisory clauses

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

- 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 received on 15.9.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	SI received on 15.9.2020
Appendix Ic	SI received on 18.9.2020
Appendix Id	FI received on 29.10.2020
Appendix Ie	FI received on 2.11.2020
Appendix II	Relevant extract of TPB PG-No. 34C
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the same “AGR” zone on the OZP
Appendix V	Public Comment received during the Statutory Publication Period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Layout and Vehicular Access Plan
Drawing A-2	As-built Drainage Facilities
Drawing A-3	FSI Proposal
Plan A-1a	Location Plan and 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 2020**