

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

**APPLICATION NO. A/YL-TT/499**

- Applicant** : Sun Shing Machinery & Construction Company Limited represented by Lanbase Surveyors Limited
- Site** : 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
- Site Area** : 833 m<sup>2</sup> (about) (including about 120 m<sup>2</sup> of GL)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/17 (currently in force)  
  
Approved Tai Tong OZP No. S/YL-TT/16 (at the time of submission)
- Zoning** : “Agriculture” (“AGR”)  
[*The zoning remains unchanged on the current OZP*]
- Application** : 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 permission to use the application site (the Site) for temporary forklift training centre with ancillary facilities for a period of 3 years (**Plan A-1a**). Although the subject use is neither a Column 1 or 2 use for 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 mainly occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site was involved in five previous applications for the same use as the current application. The last application (No. A/YL-TT/404) was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 11.8.2017. All the approval

conditions have been complied with and the planning permission lapsed on 12.8.2020. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site, and the development parameters and site layout remain unchanged.

- 1.3 According to the applicant, the Site will provide theoretical and hands-on training in forklift operation in support of the relevant trades and industries. No forklift truck would be driven into/out of the Site and no workshop activities will be carried out at the Site. No medium or heavy goods vehicle will be parked/stored or enter/exit the Site. The applicant pledges to maintain all the existing drainage proposal, 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, tree preservation proposal and FSI proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are the same and summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TT/404</b>	<b>Current Application No. A/YL-TT/499</b>
Applied Use	Temporary Forklift Training Centre with Ancillary Facilities for a Period of 3 Years	
Site Area	About 833m <sup>2</sup> (including GL of about 120m <sup>2</sup> )	
Total Floor Area (Non-domestic)	About 252.335m <sup>2</sup>	
No. of Structures	2 (for administrative office, training and storage uses)	
Height of Structure	6m (1-2 storeys)	
Parking Space	1 (for private car)	
Operation Hours	8:30 a.m. and 6:00 p.m., 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 2.6.2020 **(Appendix I)**
  - (b) Supplementary Planning Statement **(Appendix Ia)**
  - (c) Further information (FI) received on 13.7.2020 in response to comments from the Transport Department (TD) and providing updated FS251 certificates **(Appendix Ib)**
  - (d) FI received on 13.7.2020 responding to comments from the Fire Services Department (FSD) **(Appendix Ic)**
  - (e) FI received on 16.7.2020 responding to comments from TD and FSD **(Appendix Id)**  
*[(c) to (e) exempted from publication and recounting requirements]*

- 1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Committee at this meeting.

## **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 in **Appendix 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 four previous planning applications for the same use as the current application. All the approval conditions imposed on the last application (No. A/YL-TT/404) 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 (such as the adjacent forklift training centre, workshops, godowns and other industrial activities) or left fallow. Most of the livestock activities in the area, i.e. poultry and pig farming, 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. Adequate space will be provided within the Site for manoeuvring of vehicles. No vehicles will be allowed to queue back to or reverse onto public roads.

## **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 of the application 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 5 previous applications (No. A/YL-TT/40, 67, 91, 183 and 404) all 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**.
- 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 on the grounds that 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 approval of the application would set an undesirable precedent for other similar applications.
- 6.3 Applications No. A/YL-TT/67, 91 and 183 were approved with conditions by the Committee between 2000 and 2005 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, application No. A/YL-TT/67 was subsequently revoked in 2001 due to non-compliance with approval conditions.
- 6.4 The last application (No. A/YL-TT/404) was approved with conditions by the Committee for a period of 3 years on 11.8.2017 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; 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. All the approval conditions have been complied with and the planning permission lapsed on 12.8.2020.

- 6.5 Compared with the last application, the current application is submitted by the same applicant for the same use on the same site, and the development parameters and site layout remain unchanged.

## 7. Similar Applications

There are four similar applications (No. A/YL-TT/236, 293, 338 and 413) for forklift training centre with ancillary facilities within the subject “AGR” zone, which were all approved with conditions each for a period of 3 years by the Committee between 2008 and 2017. The applications were approved mainly on similar considerations that the proposals were the subject of previous planning approvals; approval of the applications on temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposals were not incompatible with the surrounding area; and the potential environmental nuisances could be addressed by way of approval conditions. 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-4)

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-2**);
- (b) hard-paved and mainly fenced off; and
- (c) currently mainly occupied by the applied use without valid planning permission.

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, a workshop, forklift training centre, construction company, parking of vehicles, eating place, pump house, ruins, graves, agricultural land, vacant structures and unused land;
- (b) to its immediate west and north of the Site are a nullah and a local track;
- (c) about 60m to its northwest is a knoll zoned “Conservation Area”;
- (d) there are scattered residential structures in its vicinity with the nearest one about 25m to its northwest (**Plan A-2**); and
- (e) except for the forklift training centre operating with planning permission and a pump house, the open storage/storage yards, construction company, workshop, parking of vehicles and eating place 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) Within the Site, Lot 2270 S.A (portion) in D.D. 118 is currently covered by Short Term Waiver (STW) No. 2422 and the GL is covered by Short Term Tenancy (STT) No. 2443 permitting structures erected thereon for the purposes 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).

**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. Should the application be approved, the applicant is advised to adopt appropriate measures to avoid causing disturbance and pollution to the adjacent watercourse.

**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 18.6.2020, the Site is hard paved and partly occupied by temporary structures. 3 nos. of existing trees are observed within the southeastern boundary. Peripheral tree planting is generally found adjacent to the northern boundary. The Site is situated in an area of miscellaneous rural fringe landscape character. Significant change to the landscape character 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 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/404.
- (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/404 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 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 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 representative 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) Director of Electrical and Mechanical Services (DEMS); and
- (c) Commissioner of Police (C of P).

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

On 9.6.2020, 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 a member of the public suggesting that a permanent solution should be found if the proposed use is considered essential.

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

- 12.1 The application is for renewal of the planning permission under previous application No. A/YL-TT/404 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, workshop, forklift training centre, construction company and parking of vehicles, 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/404; 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 four previous approvals for the same use have been granted to the Site and four 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 considered that the renewal of planning approval for temporary forklift training centre with ancillary facilities could be tolerated for a 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 until 1.9.2023. 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 workshop activities, as proposed by the applicant, is allowed 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 1.12.2020;
- (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 (f) are same as those under the permission for application No. A/YL-TT/404, while conditions (g) to (j) are updated and the reinstatement clause is deleted 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**

<b>Appendix I</b>	Application Form received on 2.6.2020
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 13.7.2020
<b>Appendix Ic</b>	FI received on 13.7.2020
<b>Appendix Id</b>	FI received on 16.7.2020
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34C
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Applications within the same “AGR” zone on the OZP
<b>Appendix V</b>	Public Comment received during the Statutory Publication Period
<b>Appendix VI</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>Drawing A-3</b>	Tree Preservation Proposal
<b>Drawing A-4</b>	FSI Proposal
<b>Plan A-1a</b>	Location Plan and Similar Applications
<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  
SEPTEMBER 2020**