

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

APPLICATION NO. A/HSK/224

- Applicant** : Triple Treasure (Hong Kong) Ltd. represented by Metro Planning and Development Company Limited
- Site** : Lot 897 S.B RP in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 1,108m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group A)3” (“R(A)3”)(85.9%); and
[restricted to a maximum plot ratio of 5.5 and maximum building height of 140mPD]
an area shown as ‘Road’ (about 14.1%)
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Constuction Machinery and Construction Materials with Ancillary Office and Repairing Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for a temporary warehouse for storage of construction machinery and construction materials with ancillary office and repairing workshop for a period of 3 years (**Plan A-1a**). The Site straddles over “R(A)3” zone (85.9%) and an area shown as ‘Road’ (14.1%) on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones 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. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use with a valid planning permission under application No. A/YL-HT/1080 (**Plans A-4a and 4b**).
- 1.2 The Site is related to 7 previous applications (No. A/YL-HT/178, 362, 514, 600, 780, 925 and 1080) for various open storage and warehouse uses (**Plan A-1b**). The last application No. A/YL-HT/1080 for the same applied use was approved with

conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 14.7.2017 for a period of 3 years. The applicant has complied with all the approval conditions. The planning permission is valid until 14.7.2020. Compared with the last application, the current application is submitted by a different applicant for the same use with the same layout and the same development parameters covering the same site.

- 1.3 The Site is directly abutting Ping Ha Road with the ingress/egress at the western boundary of the Site (**Plan A-2**). As shown on the proposed layout plan at **Drawing A-1**, two temporary structures with a total floor area of not exceeding 1,040m² are proposed, including a 10m high single-storey warehouse (with a floor area of 930m²) for storage of construction machinery and material and repairing workshop (with a 2-storey site office of covered area not exceeding 60m² inside) and a 8m high single- storey structure for pump room and water tank (with a floor area of 50m²). Two loading/unloading bays for light goods vehicles within the large structure are also proposed. According to the applicant, the operation hours are from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed landscape and tree preservation plan, as-built drainage plan and fire service installations (FSIs) plan are at **Drawings A-2 to A-4**.
- 1.4 The development parameters of the current application and the last approved application are the same and are summarised in the following table:

Major Development Parameters	Last Approved Application (A/YL-HT/1080) (a)	Current Application (A/HSK/224) (b)
Applied Use	Temporary Warehouse for Storage of Construction Machinery and Construction Materials with Ancillary Office and Repairing Workshop for a Period of 3 Years	
Site Area	1,108m ²	
No. of Structures	2	
Total Floor area	1,040m ²	
No. of parking spaces	Nil	
No. of loading/unloading bay	2 for light goods vehicles	
Operation hours	7:00a.m. to 9:00p.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 23.4.2020 with proposed layout plan, landscape and tree preservation plan and as-built drainage plan **(Appendix I)**
- (b) Further Information (FI) from the applicant received on 29.5.2020 providing the certificate of fire service installations (FSIs) (FS 251) and FSIs plan **(Appendix Ia)**
[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 Part 7 of the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The Site is subject to a number of previous planning permissions since 2000. The current application is a renewal application. The applied use, layout and development parameters of the current application are the same as the last planning permission in 2017. The applicant has complied with all the approval conditions under the previous planning permission.
- (b) The proposed development is temporary in nature and it would not jeopardize the long term planning intention of the area.
- (c) The proposed development is not incompatible with the surrounding environment including open storage use and port back-up activities. The planning circumstance pertaining to the Site is similar to those nearby open storage yards and port back-up uses approved by the Board.
- (d) Open storage and port back-up uses adjoining the Site were granted with planning permissions. Similar preferential treatment should be granted to the current application.
- (e) There is shortage of land for port back-up purpose in Ha Tsuen.
- (f) There are insignificant environmental and noise impacts since the applied use is housed within enclosed structure. Insignificant drainage impact is expected because surface U-channel is provided at the Site.

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

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

4. Town Planning Board Guidelines

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

5. Background

- 5.1 The current use on the Site is not subject to planning enforcement action. Follow-up investigation will be taken upon expiry of the current planning permission if the subject application is not approved by the Board.
- 5.2 The Site was previously fell within the “Comprehensive Development Area” (“CDA”) zone on the then approved Ha Tsuen OZP No. S/YL-HT/10, which was subsequently rezoned to “R(A)3” zone and an area shown as ‘Road’ on the draft HSK and HT OZP No. S/HSK/1.

6. Previous Applications

- 6.1 The Site is related to 7 previous applications (No. A/YL-HT/178, 362, 514, 600, 780, 925 and 1080) for various open storage and warehouse uses (**Plan A-1b**). All applications were approved with conditions by the Committee between 2000 and 2017 mainly on grounds that the temporary use would not jeopardize the long-term planning intention; the development was generally compatible with the surrounding land uses; and the technical concerns could be addressed by appropriate approval conditions. However, three of them were subsequently revoked due to non-compliance with the time-specific approval conditions. Details of these applications are at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The last application No. A/YL-HT/1080 for the same applied use was approved with conditions by the Committee on 14.7.2017 for a period of 3 years. The applicant has complied with all the approval conditions. The planning permission is valid until 14.7.2020. The applied use, layout and development parameters of the current application are the same as the last planning permission. The current application is a renewal application.

7. Similar Application

There are two similar applications for temporary open storage and warehouse use within the same “R(A)3” zone on the approved HSK & HT OZP. These applications were approved with conditions by the Committee between 2015 and 2017 on similar considerations as mentioned in para. 6.1 above. However, the permission under application No. A/YL-HT/936 was subsequently revoked due to non-compliance with the time-specific approval conditions. Details of the above applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) being used for the applied use with a valid planning permission; and
 - (b) directly abutting Ping Ha Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its north is a warehouse and further north is an open storage of motorcycle and logistics centre and an open storage of vehicle and vehicle inspection and repairing workshop under a valid planning permission (Application No. A/HSK/165);
 - (b) to its east is an open storage of construction materials and machinery and warehouse under a valid planning permission (Application No. A/HSK/24), while to its further east is a grassland;
 - (c) to its south are a car repair workshop, storage of food and workshop and several residential dwellings, while to its further south is a public vehicle park under a valid planning permission (Application No. A/HSK/53); and

- (d) to its west across Ping Ha Road are an electricity sub-station and a number of residential dwellings at Tung Tau Tsuen.

9. Planning Intention

The planning intention of the “R(A)3” zone is primarily for high-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises 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 No. 897 S.BRP in D.D.125 is covered by Short Term Waiver No. 4981 (STW 4981) for the purpose of Temporary Warehouse for Storage of Construction Machinery and Construction Materials with ancillary Office and Repairing Workshop.
- (c) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

- 10.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

Environment

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

- (a) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (b) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Drainage

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

- (a) The application is a renewal of planning approval of the previous application No. A/YL-HT/1080. According to the applicant's submission, the existing drainage facilities would be maintained. He has no objection in principle to the development from a drainage point of view.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/ manholes and the downstream discharge path as indicated on the submitted drainage proposal.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site.

- (b) If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Fire Safety

10.1.7 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.

Long Term Development

10.1.8 Comments of Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 3 and 4 works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is

envisaged that clearance of the Site will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.

District Officer's Comments

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

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

10.2 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD).

11. Public Comments Received During Statutory Publication Period

On 5.5.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received. The commenter is of the view that the planned development in the HSK/HT NDA should be implemented according to specified timelines instead of approving temporary developments (**Appendix V**).

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning approval for temporary warehouse for storage of construction machinery and construction materials with ancillary office and repairing workshop for a period of 3 years at a site zoned "R(A)3" and an area shown as 'Road' on the approved HSK and HT OZP. The planning intention of the "R(A)3" zone is primarily for high-density residential developments. Whilst the applied use is not in line with the planning intention, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD has no objection to the temporary use for a period of 3 years at the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.

12.2 The Site is located in an area which is predominantly occupied by open storage, vehicle park and workshop uses. The applied use is not incompatible with the major surrounding land uses (**Plan A-2**).

12.3 The current application is a renewal application of the last approved application (No. A/YL-HT/1080) for three more years. There has been no other major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval. As explained above, the approval of the application on a temporary basis would not jeopardize the implementation of the zoned uses.

Compared with the last approved application No. A/YL-HT/1080, the current application is submitted by a different applicant and all the approval conditions under previous approval were complied with. Furthermore, there would be no adverse planning implications arising from the renewal of the temporary planning approval. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.

- 12.4 There is no adverse comment from concerned Government departments including DEP. There is also no environmental complaint pertaining to the Site in the past three years. Furthermore, relevant approval conditions have been recommended in paragraph 13.2 to address the possible environmental nuisances or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 12.5 The Committee has approved 7 previous applications for temporary open storage, warehouse and workshop uses at the Site (**Plan A-1b**) and two similar applications for open storage and warehouse use within the subject "R(A)3" zone on the OZP (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions.
- 12.6 There is one public comment received on the application during statutory publication period as summarised in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary warehouse for storage of construction machinery and construction materials with ancillary office and repairing workshop 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 of 3 years from **15.7.2020 until 14.7.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;

- (d) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the existing fire services installations shall be maintained in efficient working order at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **15.10.2020**;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (i) if the above planning condition (g) 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.

*[Conditions (a), (b), (c), (e) and (g) are all the same as the previous Application No. A/YL-HT/1080 while the previous conditions on submission and implementation of tree preservation and landscape proposal are replaced by condition (d) as the existing landscape planting will be maintained; the previous conditions on submission and provision of fire service installations are replaced by condition (f), as the latest fire certificates in **Appendix Ia** have been accepted by D of FSJ]*

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 applied use is not in line with the planning intention of the "R(A)3" zone which is primarily for high-density residential developments. There is no strong justification to deviate 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 23.4.2020 with proposed layout plan, landscape and tree preservation plan and as-built drainage plan
Appendix Ia	FI) from the applicant received on 29.5.2020 providing the certificate of fire service installations (FSIs) (FS 251) and FSIs plan
Appendix II	Relevant extracts of 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)
Appendix III	Previous applications covering the Site
Appendix IV	Similar applications within the same “R(A)3” zone on the Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
Appendix V	Public Comment
Appendix VI	Advisory clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape and Tree preservation Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Fire Service Installations 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 to 4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2020**