

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

**APPLICATION NO. A/HSK/232**

- Applicant** : Mr. TANG Yui Kan represented by Metro Planning and Development Company Limited
- Site** : Lots 799 (Part) and 800 (Part) in D.D. 125 and Lot 3300 (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : 824m<sup>2</sup> (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”)  
*[restricted to a maximum plot ratio of 5.5 and maximum building height of 140mPD]*
- Application** : Renewal of Planning Approval for Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary open storage of trucks and goods compartments of dump trucks for a further period of 3 years (**Plan A-1a**). The Site is zoned “R(A)3” 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 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 used for the applied use with a valid planning permission under application No. A/HSK/16 (**Plans A-4a to 4b**).
- 1.2 The Site is related to 7 previous applications (No. A/YL-HT/105, 274, 403, 571, 753 and 912 and A/HSK/16) for various temporary open storage uses (**Plan A-1b**). The last application (No. A/HSK/16) for the same use as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.9.2017 for a period of 3 years with validity up to 22.9.2020. All the approval conditions have been complied with. 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 The Site is accessible from Ping Ha Road to its west via local track through an existing vehicle repair workshop and the ingress/egress is located at the southwestern corner of the Site (**Plan A-2** and **Drawing A-1**). The Site is paved and fenced with a 2.5m-high corrugated sheets. The proposed vehicular access plan, layout plan, landscape and tree preservation plan, as-built drainage plan and fire service installations (FSIs) plan are at **Drawings A-1 to A-5**.
- 1.4 The development parameters of the current application and the last approved application are the same and are summarised in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/16) (Valid till 22.9.2020) (a)</b>	<b>Current Application (A/HSK/232) (b)</b>
<b>Applied Use</b>	Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks for a Period of 3 Years	
<b>Site Area</b>	about 824m <sup>2</sup>	
<b>Total Floor Area</b>	about 118m <sup>2</sup>	
<b>No. of Structures</b>	4 (1 storey (2.5m high) for storage and rain shelter uses)	
<b>No. of Parking Spaces</b>	2 for private cars	
<b>Operation Hours</b>	7:00a.m. to 11:00p.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 3.6.2020 with plans **(Appendix I)**
  - (b) Supplementary Information received on 4.6.2020 confirming no change in layout and providing the proposed FSIs and related certificate **(Appendix Ia)**
  - (c) Further Information (FI) received on 16.6.2020 providing owner's consent of the adjoining lot for right of way to the Site **(Appendix Ib)**  
*[exempted from publication and recounting requirements]*
  - (d) FI received on 9.7.2020 confirming no workshop activities and public vehicle park on the Site **(Appendix Ic)**  
*[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. 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 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. 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. All the approval conditions under the previous planning permission have been complied with.
- (b) The proposed development conforms with the Town Planning Board Guidelines TPB PG-No. 13F since it is subject to previous planning permissions.
- (c) The proposed development is temporary in nature and would not jeopardize the long term planning intention of the area.
- (d) 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. 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 no operation will be held during sensitive hours. There will also be insignificant drainage impact because surface U-channel has been provided at the Site. Minimal traffic impact is expected.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the relevant rural committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

- 4.1 On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 4.2 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 III**.

### **5. Background**

The Site is currently covered by a valid planning permission No. A/HSK/16 for temporary open storage of trucks and goods compartments of dump trucks. As such, the use 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.

## **6. Previous Applications**

- 6.1 The Site is related to 7 previous applications (No. A/YL-HT/105, 274, 403, 571, 753 and 912 and A/HSK/16) for various temporary open storage uses. All applications were approved with conditions by the Committee between 1999 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, one of them (No. A/YL-HT/105) was subsequently revoked due to non-compliance with the time-specific approval conditions. Details of these applications are at **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 The last application (No. A/HSK/16) submitted by the same applicant for the same use as the current application was approved with conditions by the Committee on 22.9.2017 for a period of 3 years with validity up to 22.9.2020. All the approval conditions have been complied with. The layout and development parameters of the current application are the same as the last planning application. The current application is a renewal application.

## **7. Similar Applications**

There are four similar applications for various temporary open storage and logistics centre use within the same “R(A)3” zone on the approved HSK & HT OZP which were all approved with conditions by the Committee between 2018 and 2020 on similar considerations as mentioned in para. 6.1 above. Details of the above applications are summarized at **Appendix V** and their locations 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) being used for the applied use with a valid planning permission; and
  - (b) accessible from Ping Ha Road through a local track and an existing vehicle repair workshop to its immediate west.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its immediate north and east is a logistics centre under a valid planning permission (Application No. A/HSK/94);
  - (b) to its immediate south is an open storage of scrap metal under a valid planning permission (Application No. A/HSK/47) while to its further south are several vehicle repair workshops, a warehouse and open storage of trucks, and two isolated residential dwellings (the nearest one being about 53m away); and
  - (c) to its immediate west is a vehicle repair workshop while to its further west across Ping Ha Road is an open storage of containers under a valid planning permission (Application No. A/HSK/63) and some godowns.

## 9. **Planning Intention**

The planning intention of the “R(A)3” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

## 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) The private lots which are covered by Short Term Waivers (STWs) are listed below:

<b>Lot No(s).</b>	<b>STW No.</b>	<b>Purposes</b>
Lot No. 799 (Portion) in D.D. 125	2213	Vehicle Repair Workshop (Excluding Paint-spraying)
Lot No. 800 in D.D. 125	4581	Temporary Logistics Centre and Warehouse (Storage of Paper)
Lot No. 3300 in D.D. 129	4584	

- (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 regularization 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 rent 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.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

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) He does not support the application because there are sensitive uses in the vicinity of the site (the nearest residential dwelling being about 53m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) 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) He has no objection in principle to the development from a drainage point of view.
- (b) The application is a renewal of planning approval of the previous application No. A/HSK/16. According to the applicant's submission, the existing drainage facilities would be maintained.
- (c) Should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and to submit condition record of the existing drainage facilities to the satisfaction of his Division.

- (d) 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) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW under the Buildings Ordinance (BO). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's 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.
- (c) 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.
- (d) 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 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 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.
- (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/Construction, Water Supplies Department (CE/C, WSD).

### **11. Public Comments Received During Statutory Publication Period**

On 12.6.2020, 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 urged that the planned developments in the HSK/HT NDA should be implemented according to specified timelines instead of approving temporary developments (**Appendix VI**).

### **12. Planning Considerations and Assessment**

- 12.1 The application is for renewal of planning approval for temporary open storage of trucks and goods compartments of dump trucks for a period of 3 years at a site zoned "R(A)3" 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 logistics centre, open storage, warehouse and vehicle repair workshop uses. The applied use is not incompatible with the major surrounding land uses (**Plan A-2**).



- 12.3 The Site falls within the HSK/HT NDA. For applications in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

- 12.4 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals have been given. All approval conditions under the previous application were complied with and the applicant has also submitted FSIs plan and related certificate for this renewal application (**Appendix Ia**). As such, sympathetic consideration may be given to the application.
- 12.5 The current application is a renewal application of the last approved application (No. A/HSK/16) for three more years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval, and 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/HSK/16, the current application is submitted by the same applicant and all the approval conditions under previous application were complied with. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.
- 12.6 There is no adverse comment from concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 53m away), and environmental nuisance is expected (**Plan A-2**). However, there has not been any 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 be 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.

12.7 The Committee has approved 7 previous applications for various temporary open storage uses at the Site (**Plan A-1b**) and 4 similar applications for open storage 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.

12.8 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 renewal of planning approval for temporary open storage of trucks and goods compartments of dump trucks 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 and be renewed from 23.9.2020 to 22.9.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 11:00 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 and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no repair and workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no public vehicle park, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (e) the existing boundary fencing on Site shall be maintained at all times during the planning approval period;
- (f) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;
- (g) the landscape planting on the Site shall be maintained at all time during the planning approval period;
- (h) the existing drainage facilities on Site shall be maintained at all times during the planning approval period;
- (i) the existing fire services installations shall be maintained in efficient working order at all times during the planning approval period;
- (j) 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 23.12.2020;

- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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 (j) 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), (d), (e), (f), (g) and (h) are all the same as the previous Application No. A/HSK/16 while the previous conditions on submission and provision of fire service installations are replaced by condition (i), as the latest fire certificates in **Appendix Ia** have been accepted by D of FS]*

#### Advisory clauses

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

- 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 planning 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**

<b>Appendix I</b>	Application Form received on 3.6.2020 with plans
<b>Appendix Ia</b>	Supplementary Information received on 4.6.2020 confirming no change in layout and providing the proposed FSIs and related certificate
<b>Appendix Ib</b>	FI received on 16.6.2020 providing owner's consent of the adjoining lot for right of way to the Site
<b>Appendix Ic</b>	FI received on 9.7.2020 confirming no workshop activities and public vehicle park on the Site
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)

<b>Appendix III</b>	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)
<b>Appendix IV</b>	Previous applications covering the Site
<b>Appendix V</b>	Similar application within the same “R(A)3” zone on the Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
<b>Appendix VI</b>	Public Comment
<b>Appendix VII</b>	Advisory clauses
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape and Tree preservation Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Drawing A-5</b>	Proposed Fire Service Installations Plan
<b>Plan A-1a</b>	Location Plan with 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>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT**  
**SEPTEMBER 2020**