

**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/66**

- Applicant** : Mr. TANG Chun Pang
- Site** : Lot 766 (Part) in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 900m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : "Open Space" ("O")
- Application** : Proposed Temporary Open Storage of Construction Materials and Logistics Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary open storage of construction materials and logistics centre for a period of 3 years (**Plan A-1a**). The Site falls within "O" zone. 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.
- 1.2 The Site is related to 6 previous applications (Application Nos. A/YL-HT/536, 583, 620, 649, 672 and 861) for the various open storage uses submitted by different applicants. The last application No. A/YL-HT/861 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) with conditions for 3 years on 6.9.2013. All the approval conditions have been complied with. The planning permission lapsed on 7.9.2016. The Site is currently vacant.
- 1.3 According to the layout plan at **Drawing A-1**, the Site is accessible from Ping Ha Road via a local track. No structure is proposed on the Site. 1 private car parking space and 1 heavy vehicle parking spaces are proposed. According to the applicant, the operation hours is from 8:00 a.m. to 8:00 p.m. from Monday to Saturday and

no operation on Sunday and public holidays.

1.4 A comparison of the major development parameters of the current application and the last application is given in the following table:

<b>Major Development Parameters</b>	<b>Previously Approved Application (A/YL-HY/861) (a)</b>	<b>Current Application (A/HSK/66) (b)</b>	<b>Difference (b) – (a)</b>
Site Area	about 1,007 m <sup>2</sup>	900m <sup>2</sup>	-107m <sup>2</sup>
Applied Use	Temporary Open Storage of Construction Materials for a Period of 3 Years	Proposed Temporary Open Storage of Construction Materials and Logistics Centre for a Period of 3 Years	Additional use for logistics centre
No. of Structures	2	0	-2
No. of Parking Spaces	2 for Light Goods Vehicles	1 for Private Cars 1 for Heavy Goods Vehicles	Changes in the type of vehicles to be parked on Site

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 21.3.2018 **(Appendix I)**
- (b) Planning statement with location plan, layout plan, proposed tree preservation and landscape plan, proposed drainage plan and Fire Service Installations Proposal **(Appendix Ia)**
- (c) Letter from the applicant dated 11.5.2018 to respond to AMO of LCSD comments **(Appendix Ib)**

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendix Ia** and are summarized as follows:

- (a) The Site falls within the “Category 1 areas” of the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application is compatible to its surrounding areas which dominated by open storages and logistics centres.
- (b) The applied development does not frustrate the planning intention and would not affect the permanent land use of the site as it is a temporary basis.
- (c) All approval conditions of the last application No. A/YL-HT/861 have been complied with.
- (d) The applicant has submitted landscaping and tree preservation, drainage, and

environmental mitigation proposals to ensure that the development would not generate any adverse impacts to the surrounding areas. The applicant would appoint experienced contractor to implement the proposals and maintain the site properly.

- (e) The applicant would adopt a cooperative and friendly attitude, actively communicate with Government departments, comply with various regulations and make genuine efforts in implementation of environmental mitigation works to ensure that the development would not generate any adverse impacts to the surrounding areas.

### 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. 31) by posting site notice and publishing on three local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

### 4. **Background**

The Site is not subject to any active enforcement case.

### 5. **Town Planning Board Guidelines**

The Board’s Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) promulgated on 17.10.2008 is relevant. The Site falls within Category 1 areas under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

### 6. **Previous Applications**

6.1 The Site is the subject of 6 previous applications (Application Nos. A/YL-HT/536, 583, 620, 649, 672 and 861) for open storage of construction materials or marble uses. Details of these applications are summarized at **Appendix III** and their location is shown on **Plan A-1b**.

6.2 Applications No. A/YL-HT/536 and 583 were approved by the Committee for a period of 3 years on 28.3.2008 and 5.12.2008 respectively. The permissions were revoked on 28.6.2008 and 5.3.2009 respectively due to non-compliance with approval conditions on the submission of tree preservation, landscape and drainage proposals, and the provision of fencing. Applications Nos. A/YL-HT/620 and 649 were rejected by the Committee on 5.6.2009 and 6.11.2009 respectively for reasons including adverse departmental comments, lack of assessments to ascertain the impact and/or undesirable precedent of approval application with

repeated revocation.

- 6.3 Application No. A/YL-HT/672 for open storage of construction materials was approved by the Committee with conditions for a period of 3 years on 7.5.2010. The last application No. A/YL-HT/861 for open storage of construction materials was approved by the Committee with conditions for a period of 3 years on 6.9.2013. The applicant had complied with all the approval conditions. The planning permission lapsed on 7.9.2016.
- 6.4 Comparing with the last application No. A/YL-HT/861, the current application is submitted by a different applicant for the same use with additional logistics centre use on the same Site with smaller site area (-107 m<sup>2</sup>), and no structures (-2) and different types of parking space are proposed.

## 7. **Similar Applications**

There are 3 similar applications (Nos. A/YL-HT/618, 787 and 954) for various open storage of construction material uses within the same “O” zone on the Draft Hung Shui Kiu and Ha Tsuen OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. All of them were approved by the Committee between 2009 and 2015. Particulars of these applications and the decisions of the Committee are summarized at **Appendix IV**. The locations of these application sites are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently vacant;
- (b) accessible from Ping ha Road via a local track; and
- (c) partly within the boundary of the Tung Tau Tsuen Archaeological Site (**Plan A-2**)

8.2 The surrounding areas have the following characteristics:

- (a) predominately open storage yards, vehicle repair workshops, logistics centres, vacant structures and vacant lands;
- (b) 2 residential structures are found in the vicinity of the Site with nearest one located about 38m to its northeast;
- (c) open storage/port-backup uses in the vicinity of the Site operating under valid planning permission Nos. A/YL-HT/951, 960, 997 and 1014;
- (d) a vehicle repair workshop and various open storage yards to its southwest which are suspected Unauthorised Developments (UDs); and

- (e) to its southeast is a vegetated knoll with some graves and urns.

## **9. Planning Intention**

The Site falls within “O” zone on the Draft Hung Shui Kiu and Ha Tsuen OZP. The “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

## **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 an Old Schedule Agricultural Lot 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 Site falls within “Tung Tau Tsuen Site of Archaeological Interest” (AM90-0426).
- (c) The Site is accessible to Ping Ha Road through private lots and Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) Should the application be approved, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularize any irregularities on Site. Such application will be considered by the Lands Department acting in the capacity of the landlord 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 premium or fee, as may be imposed by the Lands Department.

### **Traffic**

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

- (a) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.
- (b) 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 Transport Department (TD).
- (b) Adequate drainage measures should be provided at the Site access to prevent surface water running 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 Comment of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one about 38m to its north) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites".

### **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 proposed application from a drainage point of view.

- (b) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application no. A/YL-HT/861 will be maintained for the subject development.
- (c) Should the application be approved, he would suggest imposing a planning condition requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

### **Fire Safety**

#### 10.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to FSIs being provided to the satisfaction of Director of Fire Services.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should also be advised on the followings points:
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (**Appendix V**).
- (d) Moreover, having considered the nature of the open storage, following approval condition shall be added:  
"The provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of D of FS."
- (e) To address this additional approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval.
- (f) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123) or relevant licensing requirements, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority.

### **Long Term Development**

#### 10.1.7 Comments of Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK 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 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

10.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site is zoned “Open Space” on the draft HSK and HT OZP No. S/HSK/1. It is not on the priority list for development agreed by the Yuen Long District Council. Her office has no plan to develop the Site into public open space at present
- (b) Since the application involves private lot only, her office has no in-principle objection to this application.
- (c) The Site falls within the boundary of Tung Tau Tsuen Site of Archaeological Interest (**Plan A-2**). Proper measures should be undertaken by the applicant if there is any ground excavation, including that for landscape planting and drainage facilities, at the Site. After consideration on applicant’s letter (**Appendix Ib**), the Antiquities and Monuments Office (AMO) of her Department has no adverse comment to the application.
- (d) Moreover, having considered the Archaeological Interest, following approval condition and advisory clause shall be added:

Approval Condition:

- (i) “no ground excavation works, including that for landscape planting and drainage facilities, shall be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period.”

Advisory Clauses:

- (i) “note the comments of the Director of Leisure and Cultural Services to conduct an Archaeological Impact Assessment (AIA) at the applicant’s own expense to assess the archaeological value of the area and implement necessary



mitigation measures to the satisfaction of the Executive Secretary of the AMO in the event that ground excavation works at the site are considered necessary. The AIA and necessary mitigation measures shall be conducted by a qualified archaeologist with a licence issued under Section 13 of the Antiquities and Monuments Ordinance (Cap. 53).”

- (ii) “部分東頭村具考古研究價值的地點在申請範圍內。在規劃許可有效期內，申請人事先 需要獲康樂及文化事務署轄下古物古蹟辦事處的書面同意，才可於申請地點進行地面 挖土工程，包括為栽種植物以美化環境及敷設排水設施而進行的工程。申請人並且需要按古物古蹟辦事處的要求，於有需要時先進行合適的緩解措施，方可進行地面挖土工程。”

### **District Officer’s Comments**

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

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) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Commissioner of Police (C of P);
- (c) Chief Town Planner/Urban Design and Landscape Section, Planning Department (CTP/UD&L, PlanD);
- (d) Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD);
- (e) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD);
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- and
- (g) Director of Electrical and Mechanical Services (DEMS)

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

On 3.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 24.4.2018, no public comment was received.

## 12. Planning Considerations and Assessment

12.1 The Site falls within Category 1 areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

12.2 The Site falls within “O” zone. “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the applied development is not in line with the planning intention of the “O” zone, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD and DLCS have no objection to the applied use for 3 years on 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 implementation of government projects.

12.3 The applied uses are not incompatible with the surrounding uses which are predominately occupied for open storage yards and logistics centres.

12.4 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 area which are considered suitable for open storage and port back-up uses; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.

12.5 There is no adverse comment on the application from concerned Government departments, except DEP. DEP does not support the application as there are sensitive uses in vicinity (with the nearest residential dwelling is about 38m to the north of the Site (**Plan A-2**)), and environmental nuisance is expected. However, there has been no substantial environmental complaint concerning the Site received in the past 3 years. To address the concerns on environmental aspect and the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development 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 “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times.

- 12.6 The Committee has approved 4 previous applications for similar uses covering the Site and 3 similar applications in the same “O” zone.
- 12.7 There is no public comment received on the application during the statutory publication period.

**13. Planning Department’s Views**

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the proposed temporary open storage of construction materials and logistics centre 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 of 3 years, until **18.5.2021**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the 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 cutting, dismantling, cleansing, repairing, and workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) the stacking height of the materials stored within 5m of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from the public roads at any time during the planning approval period;
- (f) no ground excavation works, including that for landscape planting and drainage facilities, shall be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period;
- (g) the existing fencing on Site shall be maintained at all times during the approval period;
- (h) the landscape planting on the Site shall be maintained at all time during the planning approval period;
- (i) the existing drainage facilities on Site shall be maintained at all times during the approval period;

- (j) the submission of the condition record of the existing drainage facilities on Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **18.8.2018**;
- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **29.6.2018**;
- (l) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **18.11.2018**;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **18.2.2019**;
- (n) if any of the above planning conditions (a), (b), (c), (d) (e), (f), (g), (h) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (j), (k), (l) or (m) 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; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 "O" zone, which is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification in the submission for 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 reasons for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 21.3.2018
<b>Appendix Ia</b>	Planning statement with location plan, layout plan, proposed tree preservation and landscape plan, proposed drainage plan and Fire Service Installations Proposal
<b>Appendix Ib</b>	Letter from the applicant dated 11.5.2018 to respond to AMO of LCSD comments
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix III</b>	Previous applications covering the Application Site
<b>Appendix IV</b>	Similar applications within the subject "O" zone on the Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1
<b>Appendix V</b>	Good practice guidelines for open storage issued by the Director of Fire Services
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Proposed Tree Preservation and Landscape Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Drawing A-4</b>	Fire Extinguisher(s) 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 A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2018**