

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

APPLICATION NO. A/HSK/339

- Applicant** : Mr. Wong Kwok Wing represented by the Metro Planning and Development Company Limited
- Site** : Lots 2420 RP (Part), 2422 RP (Part), 2442 (Part) and 2443 RP (Part) in D.D.129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : 1,256.5 m² (including GL of about 45.5 m², or 3.6%)
- 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
- Zonings** : “Open Space” (“O”) (about 77.5%); and
“Village Type Development” (“V”) (About 22.5%)
[restricted to maximum building height of 3 storeys (8.23m)]

Application : Renewal of Planning Approval for Temporary Open Storage of Private Car and Ancillary Inspection Centre 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 private car and ancillary inspection centre for a further period of 3 years (**Plan A-1a**). The Site straddles over areas zoned “O” (about 77.5%) and “V” (22.5%) 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. The Site is currently used for the applied use with valid planning permission (**Plans A-4a and 4b**).
- 1.2 The Site was involved in 10 previous applications for various open storage uses (**Plan A-1b**). The last application (No. A/HSK/127) for the same applied use as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 1.2.2019 for a period of 3 years with validity up to 1.2.2022. All time-limited approval conditions have been complied

with. In support of the application, the applicant has submitted the Application Form with plans and drawings received on 4.11.2021 (**Appendix I**).

- 1.3 The Site is directly abutting Lau Fau Shan Road with an ingress/egress located at the north-eastern corner of the Site (**Drawing A-1 and Plans A-2 to A-3**). As shown on the indicative layout plan at **Drawing A-1**, five (1 - 2 storeys, ranging from 3m to 6.5m high) temporary structures with gross floor area of about 450m² for rain shelter, office, ancillary inspection centre, staff rest area, guard room and toilet are provided on the Site. 12 parking spaces for private cars are also provided. The operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The vehicular access plan, indicative layout plan and drainage plan are at **Drawings A-1 to A-3**.
- 1.4 Compared with the last planning application, the current application is submitted by the same applicant for the same use at the same site, and the development parameters and site layout remain unchanged.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix I**. They can be summarized as follows:

- (a) The current application is a renewal application. All the development parameters are the same as the last planning permission No. A/HSK/127. The Site is subject to 8 approved planning applications since 2000, the applied use on the Site has been established since 2013.
- (b) The proposed use will not be contrary to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F).
- (c) The current application is temporary in nature which will not jeopardise the long-term planning intentions of the current zonings. The proposed development is not incompatible with the surrounding environment including open storage use and port back-up activities.
- (d) There will be no substantial changes in planning circumstances by allowing the current application and the applicant has demonstrated his full compliance of conditions of previous planning approval.
- (e) Only open storage of vehicles and vehicle inspection will be carried out at the Site. The proposed development would not generate significant impact to the surrounding area and the applicant has also recommended a number of environmental mitigation measures including provision of surface U-channel, restrictions on operation hours and no workshop activities on Site to minimize potential environmental impact.

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

The applicant is not a “current land owner” of the Site 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 Ha Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements

under TPB PG-No. 31A are not applicable to the GL portion.

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. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 10 previous applications (No. A/YL-HT/133, 246, 329, 409, 472, 588, 711, 833, 999 and A/HSK/127) for various open storage uses and temporary container trailer/tractor park use. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 Eight of the applications were approved with conditions by the Committee from 2000 to 2019 on the considerations that the applied uses were not incompatible with the surrounding areas; generally in line with the then Town Planning Board Guidelines TPB PG-No. 13; and no major adverse comments from concerned Government departments. However, one of these planning permissions (No. A/YL-HT/133) was subsequently revoked due to non-compliance with the time-specific approval conditions.
- 6.3 The other two applications were rejected due to insufficient information to demonstrate the development would not have adverse impacts on the surrounding areas; not in line with the planning intentions and the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB-PG No.13).
- 6.4 The last application No. A/HSK/127 submitted by the same applicant for the same applied use as the current application at the same site was approved with conditions by the Committee for a period of 3 years on 1.2.2019. All time-limited approval conditions have been complied with. The layout and development parameters of the current application are the same as the last planning approval. The current application is a renewal application.

7. Similar Application

There is no similar application within the same “V” and “O” zones on the OZP.

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

8.1 The Site is:

- (a) currently used for the applied use under valid planning permission; and
- (b) directly abutting and accessible from Lau Fau Shan Road.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and west is an open storage yard under valid planning permission; to its further north across the nullah is a logistic centre;
- (b) to its northeast and east, across Lau Fau Shan Road, is the village cluster of San Hing Tsuen (the closest one being about 26m away);
- (c) to its south is a logistics centre; to its further south is another logistics centre under valid planning permission and a vehicle repair workshop; and
- (d) to its west is a vacant site.

9. Planning Intentions

- 9.1. The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public.
- 9.2. The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a NTEH. Other commercial, community and recreational uses may be permitted on 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 received 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 (OSALs) and GL. The OSALS are 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) Details of the GL and private lots covered by Short Term Tenancy (STT) and Short Term Waivers (STWs) are in **Appendix VII**.

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

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no comment on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces 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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drainage.
- (b) If the proposed access on Lau Fau Shan Road is approved by TD, the applicant should ensure a run-in/out is constructed in accordance with the latest version of HyD's Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement.

Environment

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

- (a) He does not support the application as there are sensitive users in vicinity of the Site (with the closest residential dwelling being about 26m 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 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 application from a drainage point of view.
- (b) Should the application be approved, he would suggest imposing a planning condition 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.

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

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) The applicant should be reminded of the detailed comments in **Appendix VII.**

Fire Safety

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

- (a) He has no objection in principle to the application subject to fire services installations (FSIs) being provided to his satisfaction.
- (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 him for approval.
- (c) Having considered the nature of the open storage, the 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.”
- (d) The applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant should be reminded of the detailed comments in **Appendix VII.**

Long-Term Development

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

The Site falls within the boundary of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/NT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned partially falls within the sites under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.

Others

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

The Site is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.

District officer's Comments

10.1.10 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 comments from the locals on the application.

10.2. Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no comment on the application.

11. Public Comment Received During Statutory Publication Period

On 11.11.2021, 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 raises concerns on the application as Ha Tsuen is a core element of the Northern Metropolis and the brownfield operators should not stay in the area in long term (**Appendix VI**).

12. Planning Considerations and Assessment

- 12.1 The application is for renewal of planning approval for temporary open storage of private car and ancillary inspection centre for a period of 3 years at a site straddling over areas zoned "O" (about 77.5%) and "V" (about 22.5%) on the OZP (**Plan A-1**). The planning intention of the "V" zone is primarily for development of Small Houses by indigenous villagers while its of the "O" zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public. Although the applied use is not in line with the planning intentions of the "O" and "V" zones, PM/W of CEDD and DLCS have no objection to the temporary use at the Site. Further, DLO/YL, LandsD advises that there is no Small House application being approved/under processing 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. Nevertheless, 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 predominantly occupied by open storage yards and logistic centres (**Plan A-2**), the applied use is generally not incompatible with the surrounding land uses.
- 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 for similar use at the same site have been given. All approval conditions attached to the last application have been complied with. In this regard, 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/127) for a period of 3 years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous approval, the approval of the application on a temporary basis would not jeopardize the implementation of the zoned uses, and all the approval conditions under the last approved application have been complied with. Compared with the last approved application No. A/HSK/127, the current application is submitted by the same applicant for the same use at the same site for the same approval period, the development parameters and site layout remain unchanged. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34D.
- 12.6 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 the vicinity (with the nearest residential dwelling about 26m away) (**Plan A-2**), and environmental nuisance is expected. However, there is no environmental complaint pertaining to the Site received in the past 3 years. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions have been recommended in paragraph 13.2 below. 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 also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the surrounding areas.
- 12.7 There is one public comment received raising concerns on the application during the statutory publication period as summarized in paragraph 11 above. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above 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 private car and ancillary inspection centre could be tolerated for a period of three 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 and be renewed from **2.2.2022 to 1.2.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 7:00 p.m. to 9:00 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 vehicle stripping, cutting, cleansing, melting, dismantling works or other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing boundary fencing shall be maintained at all times during the planning approval period;
- (f) all existing trees and landscape plants on the Site shall be maintained in good condition at all times during the planning approval period;
- (g) the existing drainage facilities shall be maintained at all times during the planning approval period
- (h) the submission of a condition record of the existing drainage facilities on Site 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 **2.5.2022**;
- (i) the provision of fire extinguisher(s) within **6** weeks from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **16.3.2022**;
- (j) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.8.2022**;
- (k) in relation to (k) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.11.2022**;

- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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; and
- (m) if any of the above planning conditions (h), (i), (j), (k) or (l) is not complied with by the above 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), (h), (i), (j), (k), (l) and (m) are all the same as the previous Application No. A/HSK/127]

Advisory clauses

The recommended advisory clauses are attached 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 intentions of the "V" and "O" zones, which are intended for development of Small Houses by indigenous villagers and 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 to deviate from the planning intentions, 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 4.11.2021
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	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. 34D)
Appendix IV	Previous Applications
Appendix V	Good Practice Guidelines for Open Storage issued by the D of FS
Appendix VI	Public Comment
Appendix VII	Advisory Clauses

Drawing A-1	Indicative Layout Plan
Drawing A-2	Landscape and Tree Preservation Plan with Vehicular Access
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan
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
DECEMBER 2021**