

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

APPLICATION NO. A/HSK/340

- Applicant** : Mr. LEUNG Hing Yip represented by the Metro Planning and Development Company Limited
- Site** : Lots 1922 RP (Part), 1923 (Part), 1925 (Part), 1926 (Part), 1928 (Part), 1929 (Part), 1930 (Part), 1931 RP (Part), 1932 (Part) and 1933 (Part) in D.D.125, Ha Tsuen, Yuen Long
- Site Area** : 4,150 m²
- 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** : "Residential (Group A) 4" ("R(A)4") (56%);
[Restricted to a maximum plot ratio of 5 and a maximum building height of 100 mPD]
- "Open Space" ("O") (about 37%); and
- "Government, Institution or Community" ("G/IC") (7%)
[restricted to maximum building height of 8 storeys]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Vehicles (Private Cars and Light Goods Vehicles), Container Vehicles and Trailers 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 vehicles (private cars and light goods vehicles (LGVs)), container vehicles and trailers for a period of 3 years (**Plan A-1a**). The Site straddles over areas zoned "R(A)4" (about 56%), "O" (about 37%) and "G/IC" (7%) 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 3 previous applications for various open storage uses (**Plan A-1**). The last application (No. A/HSK/126) 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. Compared with the last planning application (No. A/HSK/126), 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.
- 1.3 The Site is accessible from Ping Ha Road via a local track and the ingress/egress point is at the northern boundary of the Site (**Drawing A-3 and Plans A-2 to A-3**). As shown on the indicative layout plan at **Drawing A-2**, two temporary structures with total floor area of about 280m² for open shed for staff resting area (single storey, 5m high) and site office (2-storey, 5m high) are provided on the Site. There are 2 separate areas designated for open storage of container vehicles and trailers and for open storage of private cars and light goods vehicles. The operation hours are from 8:00 a.m. to 8:00 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 In support of the application, the applicant has submitted the Application Form with plans and drawings received on 4.11.2021 (**Appendix I**).

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/126. The Site is subject to 2 approved planning applications since 2015, the applied use of the Site has been established since then.
- (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. There is a shortage of land for open storage use in Ha Tsuen.
- (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) 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.

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 3 previous applications (No. A/YL-HT/7, 982 and A/HSK/126) for various open storage of containers or vehicles uses. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.
- 6.2 All of them were approved with conditions by the Committee or the Board from 1996 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 permission (No. A/YL-HT/7) was subsequently revoked due to non-compliance with the time-specific approval conditions.
- 6.3 The last application No. A/HSK/126 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 Applications

- 7.1 There are 3 similar applications (No. A/HSK/187, 218 and 279) involving the same “O” zone on the OZP for temporary open storage and/or parking of vehicles uses approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.2 above. However, the permission of application No. A/HSK/218 was

subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.

7.2 There is no similar application within the same “R(A)4” and “G/IC” zones.

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

8.1 The Site is:

- (a) currently used for the applied use under valid planning permission; and
- (b) accessible from Ping Ha Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to the immediate north are some parking of trailer and vehicles and some open storage yards; to its further north is a logistic centre;
- (b) to the immediate east and south are some open storage yards; and
- (c) to its southwest are parking of trailer and vehicles and a workshop. Further west is Ping Ha Road.

9. Planning Intentions

- 9.1. The planning intention of the “R(A)” 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.
- 9.2. The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organizations providing social services to meet community needs, and other institutional establishments.
- 9.3. 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.

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 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 private lots covered by Short Term Waivers (STWs) is in **Appendix VIII**.
- (c) The applicant should be reminded of the detailed comments in **Appendix VIII**.

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 running from the Site to nearby public roads/drainage.
- (b) The access road connecting the Site with Ping Ha Road is not and will not be maintained by HyD. HyD shall not be responsible for the maintenance of any access connecting the Site with 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 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 VIII.

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 VIII.**

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 Comments Received During Statutory Publication Period

On 12.11.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. One commenter objected to the application on the reasons that the development would increase traffic flow, resulting in traffic congestion, environmental degradation and posing fire safety hazards to the villagers (**Appendix VIII-1**), while the other raises concerns that the Northern Metropolis policy may not be implemented in the short run (**Appendix VIII-2**).

12. Planning Considerations and Assessment

- 12.1 The application is for renewal of planning approval for temporary open storage of vehicles (private cars and LGVs), container vehicles and trailers for a period of 3 years at a site straddling over areas zoned "R(A)4"(about 56%), "O" (about 37%) and "G/IC" (about 7%) on the OZP (**Plan A-1**). The planning intention of the "R(A)" zone is primarily for high-density residential developments, while 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, and the planning intention of the "G/IC" zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. Although the applied use is not in line with the planning intentions of these zones, PM/W of CEDD and DLCS have no objection to the temporary use 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, parking of vehicles 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/126) 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/126, the current application is 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 including C for T, DEP, CE/MN of DSD and D of FS. 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 The Committee has approved two previous applications for the same applied use on temporary basis (No. A/YL-PS/982 and A/HSK/126) at the Site (**Plan A-1**). There are also 3 similar approved applications for temporary open storage within the same "O" zone. Approval of the current application is in line with the Committee's previous decisions.
- 12.8 There are two public comments received during the statutory publication period

objecting to and raising concern on the application 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 comments mentioned in paragraph 11, the Planning Department considers that the renewal of planning approval for temporary open storage of vehicles (private cars and light goods vehicles), container vehicles and trailers could be tolerated for a further 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 8:00 p.m. to 8:00 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 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 (j) 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) or (k) 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), (i), (j), (k), (l) and (m) are all the same as the previous Application No. A/HSK/126, while submission of a condition record of existing drainage facilities is newly added as condition (h) according to the latest comments from CE/MN, DSD]

Advisory clauses

The recommended advisory clauses are attached at **Appendix VIII**.

- 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 "R(A)", "O" and "G/IC" zones, which are intended for development of high-density residential developments, 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, and provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. 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)

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| 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 | Similar Applications |
| Appendix VI | Good Practice Guidelines for Open Storage issued by the D of FS |
| Appendices VII-1 to VII-2 | Public Comments |
| Appendix VIII | Advisory Clauses |
| Drawing A-1 | Vehicular Access Plan |
| Drawing A-2 | Indicative Layout Plan |
| Drawing A-3 | As-built Drainage Plan |
| Plan A-1 | Location Plan with Previous and Similar Applications |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to 4b | Site Photos |

**PLANNING DEPARTMENT
DECEMBER 2021**