

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/353

- Applicant** : Mr. Tang Cheuk Lun represented by Ever United Planning and Development Limited
- Site** : Lots 1141RP (Part), 1143RP (Part), 1144 S.E (Part), 1144 S.F, 1144 RP (Part), 1145 (Part), 1146 (Part), 1149 (Part), 1152, 1153 (Part), 1155 (Part), 1156 (Part), 1157 (Part), 1158 (Part), 1159 (Part), 1160 (Part), 1161 (Part), 1162 (Part), 1163 (Part), 1164 (Part), 1197 (Part), 1198 (Part), 1199 S.B (Part), 1200 and 1201 (Part) in D.D.125, Ha Tsuen, Yuen Long
- Site Area** : 13,054 m² (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
- Zonings** : “Open Space”(“O”) (about 50%);
“Other Specified Use” annotated “Logistics Facility” (“OU(LF)”) (about 43%); and
[Restricted to maximum plot ratio of 5 and maximum building height of 110mPD]
an area shown as ‘Road’ (about 7%)
- Application** : Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary open storage of construction materials for a period of 3 years (**Plan A-1a**). The Site falls within an area mainly zoned “O” (50%) and “OU(LF)” (43%) with minor encroachment onto an area shown as ‘Road’ (7%) on the approved HSK and HT OZP. According to the Notes of the “OU(LF)” zone, ‘Open Storage (not elsewhere specified)’ is always permitted and no planning permission is required. However, open storage is neither a Column 1 nor Column 2 use under the “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 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. In any area shown as ‘Road’ on the OZP, all uses or

developments require planning permission from the Board. The Site is currently being used for the applied use under valid planning permission (**Plan A-4**).

- 1.2 The Site is involved in 19 previous applications for various open storage or warehouse uses (**Plan A-1b**). The last application No. A/HSK/123 for temporary open storage of construction material with ancillary site offices was approved 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.
- 1.3 The Site is accessible from Ha Tsuen Road via a local track and the ingress/egress point is at the south-western boundary of the Site (**Drawing A-1 and Plan A-3**). As shown on the layout plan at **Drawing A-2**, there is no temporary structure on the Site and the uncovered areas are for open storage purpose. Two parking spaces for private car/light goods vehicles, a loading/unloading bay for medium goods vehicles and a manoeuvring circle are provided. According to the applicant, no repairing, dismantling, assembling, or other workshop activities are proposed. The operation hours are from 8:00 a.m. to 8:00 p.m. on Mondays to Saturdays. There will be no operation on Sundays and public holidays. The as-planted landscape and tree preservation plan and the as-built drainage plan are at **Drawings A-3 and A-4** respectively.
- 1.4 The major development parameters of the current application and the last approved application (No. A/HSK/123) are the same except that no structure is proposed in the current development scheme.
- 1.5 In support of the application, the applicant has submitted the Application Form (received on 14.12.2021) with supplementary planning statement and drawings (**Appendix I**).

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 I**. They can be summarized as follows:

- (a) The applied use is in line with the planning intention of “OU(LF)” zone. The planning intention of “O” zone and the ‘Road’ could not be realized within the coming 3 years as the land resumption of the Site for the development of New Development Area (NDA) is yet to commence. The applied use on temporary basis will not result in any long-term adverse impacts to the planning intention of the area.
- (b) The applied use is in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13F) because the Site is not a green site as it is the subject of 2 previous planning approvals (No. A/YL-HT/984 and A/HSK/123) and the approval conditions of both applications were all complied with. Sympathetic consideration should be given to the current application.
- (c) Planning applications in close proximity of the Site for temporary open storage yards, warehouses and logistics centres were approved by the Committee. Similar treatment to the current application is requested.
- (d) The surrounding areas are almost wholly occupied for open storage and port back-up

uses such as logistics centres, temporary warehouses, container depots and open storage yards. The applied use is therefore not incompatible with the surrounding environment.

- (e) The applied use would not generate significant impact to the surrounding environment with a number of mitigation measures including preservation of existing trees/planting on the Site, hard paving, drainage facilities provided and restricted operation hours. The applied use would generate only insignificant increase in traffic flow. The applicant would comply with the measures laid down by “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

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 publishing on local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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 HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is currently not subject to any planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in 19 previous applications (No. A/YL-HT/81, 305, 324, 357, 387, 390, 426, 450, 459, 474, 508, 540, 552, 576, 621, 634, 791 and 984 and No. A/HSK/123) for various open storage and warehouse uses. Twelve earlier applications were rejected by the Committee/Board on review between 2003 to 2010 mainly on grounds of not in line with either the then TPB PG-No.13, or the planning intention of the then “Recreation” and/or “Village Type Development” zonings of the Site, incompatibility with the rural character of the nearby village settlement, and insufficient information to demonstrate no adverse impacts on the surrounding areas. The other seven applications for various temporary open storage or warehouse uses were approved with conditions by the Committee respectively from 1999 to 2019 on the considerations that approval of the application would not jeopardize the long-term development of the site; the applied uses were not incompatible with the surrounding areas; being generally in line with the then TPB PG-No.13; and no major adverse comments from concerned government departments. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The last approved application No. A/HSK/123 for temporary open storage of construction materials with ancillary site office was approved with conditions by the Committee on 1.2.2019 for a period of 3 years. All the time-limited approval

conditions were complied with. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site but the previously proposed structures for ancillary site office use have been omitted.

7. Similar Applications

There are 2 similar applications (No. A/HSK/45 and A/HSK/139) for temporary open storage uses involving the same “O” and “OU(LF)” zones and area shown as ‘Road’ on the OZP. All these similar applications were approved with conditions by the Committee based on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

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

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north-west is a piece of vacant land and agricultural land. Further north-west are 3 open storage yards of trailers, construction materials and electricity generators;
- (b) to its immediate north is a piece of vacant land. Further north and north-east are an open storage yard of construction materials, some parking of vehicles (one site under valid planning permission), an office under valid planning permission for private club and the village houses of Tseung Kong Wai (the nearest residential dwelling being about 24m away) (**Plan A-2**);
- (c) to its immediate south-west are an open storage yard of construction materials and a logistics centre; and
- (d) to its immediate south and south-east are a logistics centre and an open storage yard of construction materials and machinery with workshop under valid planning permission. Further south-east is another logistic centre.

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 residents as well as the general public.
- 9.2 The planning intention of the “OU(LF)” zone is primarily for development of modern logistics to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub.

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 Scheduled Agricultural Lots held under the Block Government Lease. 11 private lots are covered by Short Term Waivers or Modification of Tenancy for the purposes of open storage use, shop and services, warehouse or agricultural use.
- (b) 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 adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from the public road.
- (c) The applicant should be reminded of the detailed comments in **Appendix VII**.

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

- (a) Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains.
- (b) The access road connecting the Site and Ha Tsuen Road is not and will not be maintained by his Office. His Office should not be responsible for maintaining any access connecting the Site with Ha Tsuen Road.

Environment

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

- (a) He does not support the application as there are sensitive uses in the vicinity of the Site (the nearest residential dwelling being about 24 m away) (**Plan A-2**), and the development involves use of medium goods vehicles. Environmental nuisance is expected.
- (b) There was no substantiated 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) According to the applicant’s submission, the existing drainage facilities which were implemented under approved application No. A/HSK/123 will be maintained for the subject development. She has no objection in principle to the application from a drainage point of view. Should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of her Division.
- (b) 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 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 service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, 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 additional approval condition shall be added:

The provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval.

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

Long-Term Development

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

The Site falls within the boundary of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/HT 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 lots concerned fall within the sites under the Second Phase development and 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 Second Phase development and the Remaining Phase development will commence in 2024 and 2030 respectively. In this regard and subject to the necessary approvals as required, the Government plans to acquire these relevant sites by end 2023 progressively for the development of HSK/HT NDA. The Applicant is required to pay attention to the said development programme and ensure the proposed development would not affect the proposed works under HSK/HT NDA.

Others

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

- (a) She has no in-principle objection to the application.
- (b) The part of the Site zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. She has no plan to develop the portion of the Site zoned “O” 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 comment from the locals on the application.

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

11. Public Comment Received During Statutory Publication Period

On 21.12.2021, 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 (**Appendix VI**) objecting to the application on the grounds that the proposed development will increase traffic flow and cause traffic congestion,

environmental nuisances and pose fire safety hazards to the villagers.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction materials for a period of 3 years at a site zoned “O” (50%) and “OU(LF)” (43%) with minor encroachment onto an area shown as ‘Road’ (7%) on the approved HSK and HT OZP. The applied use is always permitted under the “OU(LF)” zone. Whilst it is not in line with the planning intention of the “O” zone, which is primarily for 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, the implementation programme for this part of the NDA is still being formulated, and PM/W of CEDD and DLCS have 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. 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 applied use is not incompatible with the surrounding land uses which are predominantly used for open storage yards, parking of vehicles and logistics centres (**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 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 7 previous planning approvals for similar/same open storage use were given. The current application is submitted by the same applicant for the same use at same site as compared with the last approved previous application (No. A/HSK/123) in 2019. All time-limited conditions attached to the last approved application have been complied with. In this regard, sympathetic consideration may be given to the application.

12.5 Concerned government departments, including C for T, CE/MN, DSD and D of FS have no objection to or no adverse comment on the application, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the

nearest residential dwelling being 24m away) (**Plan A-2**), and the applied use involves use of medium goods vehicles and thus environmental nuisance is expected. However, there is no substantiated environmental complaint pertaining to the Site in the past three 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.

- 12.6 There are 19 previous applications involving the Site and 7 of them were approved for various open storage uses (**Plan A-1b**). 12 earlier applications were rejected by the Committee/Board on review between 2003 and 2010 under different planning circumstances including different zonings of the Site. Approval of the subject application is generally in line with the Committee's previous decisions.
- 12.7 One public comment objecting to the application was received during the 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 assessments made in paragraph 12 above and having taken into account the public comment mentioned on paragraph 11, the Planning Department considers that the temporary open storage of construction materials 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 for a period of 3 years until **28.1.2025**. 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. from Mondays to Saturdays, 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 repairing, dismantling, assembling, or other workshop activities, as proposed by the applicant, are allowed on the site during the planning approval period;
- (d) the existing trees and landscaping planting on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the

planning approval period;

- (f) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **28.4.2022**;
- (g) the provision of fire extinguisher(s) within **6** weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **11.3.2022**;
- (h) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **28.7.2022**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **28.10.2022**;
- (j) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (k) if any of the above planning condition (f), (g), (h) or (i) 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.

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 intention of the "O" zone, which is primarily for 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 justification given in the submission to deviate from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 14.12.2021
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	Previous Applications Covering the Application Site
Appendix IV	Similar Applications Within the Same “O” and “OU(LF)” zones
Appendix V	‘Good Practice for Open Storage Sites’ by the Fire Services Department
Appendix VI	Public Comment
Appendix VII	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-planted Landscape and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**