

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

**APPLICATION NO. A/HSK/368**

- Applicant** : Mr TANG Chi Shing represented by Ever United Planning and Development Limited
- Site** : Lots 24 RP, 26 RP (Part) and 29 RP (Part) in D.D. 128, Lots 2387 RP, 2388 S.B RP (Part), 2389 RP (Part), 2390, 2395 RP, 2396 RP, 2397, 2398 RP, 2399, 2400, 2401 (Part), 2403 (Part), 2404 (Part), 2405, 2406 S.A, 2406 RP, 2407, 2408, 2409 RP (Part), 2410 RP, 2411 RP, 2420 RP (Part), 2421 RP, 2422 RP (Part), 2423 (Part) and 2424 (Part) in D.D. 129, and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : about 21,672m<sup>2</sup> (including GL of about 47m<sup>2</sup> or 0.2% )
- Land Status** : 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** : (i) “Residential (Group B)2” (“R(B)2”) (about 56%);  
*[Restricted to maximum plot ratio (PR) of 2.5 and maximum building height (BH) of 60mPD]*
- (ii) “Commercial (5)” (“C(5)”) (about 21.7%);  
*[Restricted to maximum PR of 1.5 and maximum BH of 40mPD]*
- (iii) “Open Space” (“O”) (about 2.8%);
- (iv) “Government, Institution or Community” (“G/IC”) (about 2.2%);  
*[Restricted to a maximum BH of 25mPD]*
- (v) “Other Specified Uses” annotated ‘Sewage Pumping Station’ (“OU(SPS)”) (about 0.2%); and  
*[Restricted to maximum BH of 25mPD];*
- (vi) Area shown as ‘Road’ (about 17.1%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Containers for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of containers for a period of 3 years at the application site (the Site) (**Plan A-1**). The

Site falls within an area mainly straddling “R(B)2” (56%) and “C(5)” (21.7%) zones and the area shown as ‘Road’ (17.1%) on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within those 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. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use with valid planning permission (**Plans A-4a and A-4b**).

- 1.2 The Site is accessible from Lau Fau Shan Road and the ingress/egress point is located at the eastern boundary of the Site (**Drawing A-1 and Plan A-2**). According to the layout plan (**Drawing A-1**), two temporary structures with a total floor area of 170m<sup>2</sup> including a two-storey structure (7m high) for site office and toilet use and a single-storey structure (3.5m high) for electricity meter room, both locating at the northern part of the Site are proposed. 10 container trailer and tractor parking spaces and 2 private car and light goods vehicle parking spaces are provided. The majority of the Site at its central and southern portions is for open storage of containers. No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity will be carried out at the Site. The operation hours are from 7:00 a.m. to 9:00 p.m. and 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-2 to A-3** respectively.
- 1.3 The Site is involved in 6 previous applications (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the Application Form (received on 19.4.2022) with supplementary planning statement (**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 Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F) is applicable to the applied use. The Site is the subject of a previous approved application No. A/HSK/157. All time-limited approval conditions have been complied with. Sympathetic consideration should be given to the current application.
- (b) The applied use is temporary in nature and will not jeopardize the long-term planning intention of the zoned uses.
- (c) The development is compatible with its surrounding areas which are of similar open storage and port back-up uses. The Board has approved numerous similar applications in the vicinity.
- (d) The applicant commits to provide a number of environmental mitigation measures, including restriction of the operation hours to 7:00 a.m. to 9:00 p.m. with no operation on Sundays and public holidays, and no cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair, and workshop activities would be carried out on the Site. The drainage impact would be insignificant with provision of surface U-channel within the Site.

- (e) The applied use will not cause significant traffic impact with adequate parking spaces and manoeuvring space provided within the Site.

### **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 notice in the local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements are not applicable to the GL portion.

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

- 4.1 On 27.3.2020, the Board promulgated the TPB PG-No. 13F. The Site falls within HSK/HT NDA under the 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 any active planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site is involved in 6 previous applications (No. A/YL-HT/20, 49, 125, 145, 1032 and No. A/HSK/157) covering different extents of the Site for various temporary open storage uses. All these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 1997 and 2019 on the considerations that approval of the applications on temporary basis would not jeopardise the long-term planning intention of the area; the applications were generally in line with the then Town Planning Board Guidelines No.13; and there were no major adverse comments from concerned government departments. One of the planning permissions (No. A/YL-HT/125) was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1**.
- 6.2 The last application No. A/HSK/157, which was submitted by the same applicant for the same applied use at the same site, was approved with conditions by the Committee on 5.7.2019 for a period of 3 years with validity up to 5.7.2022. All the approval conditions have been complied with. The layout and development parameters of the current application are same with the last planning approval. The current application is a renewal application.

## **7. Similar Application**

There is one similar application (No. A/HSK/161) for temporary open storage use partly within the same “R(B)2” zone in the last 5 years, which was approved with conditions by the Committee based on similar considerations as mentioned in paragraph 6.1 above. Details of this application are summarized at **Appendix IV** and its location is shown on **Plan A-1**.

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

8.1 The Site is:

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

8.2 The surrounding areas have the following characteristics:

- (a) to its north across a local drain are a warehouse under valid planning permission, an open storage yard of recycling materials and another warehouse, both are suspected unauthorized development (UD);
- (b) to its east is a car inspection centre under valid planning permission. Further northeast and east across the Lau Fau Shan Road are some parking of vehicles and a cluster of residential dwellings at San Hing Tsuen (the nearest residential dwelling is about 33m away) (**Plan A-2**);
- (c) to its south and southeast are an open storage yard of containers and a logistics centre under valid planning permissions, a piece of vacant land and 2 other logistics centres which are suspected UD; and
- (d) to its immediate west are a sewage pumping station, and an open storage yard of converted containers and warehouse (under valid planning permission). To its further west across Deep Bay Road are a warehouse with office under valid planning permission, a shop and warehouse, an open storage yard of construction materials and some parking of vehicles which are suspected UD.

## **9. Planning Intentions**

9.1 The planning intention of the “R(B)2” zone is primarily for medium-density residential developments.

9.2 The planning intention of the “C(5)” zone is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices V** and **VI** respectively.

10.2 The following government department does not support the application.

## **Environment**

### 10.2.1 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 33m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) there was one non-substantiated environmental complaint pertaining to the Site received in the past 3 years; and
- (c) his other advisory comments are provided in the Recommended Advisory Clauses in **Appendix VI**.

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

On 26.4.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals (**Appendices VIII-1 to 2**) were received objecting to the application on the grounds that the proposed development will increase traffic flow, cause traffic congestion and environmental nuisances, and pose fire safety hazards to the villagers; and the applied use may have adverse impact on expedited development of the sewage pumping station and the planned new town development in Hung Shui Kiu may thus be hindered.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary open storage of containers for a period of 3 years at the Site mainly zoned “R(B)2” (about 56%) and “C(5)” (about 21.7%) and within an area shown as ‘Road’ (about 17.1 %) on the OZP. The planning intention of “R(B)2” zone is primarily for medium-density residential developments, whereas that of the “C(5)” zone is primarily for commercial developments. Whilst the applied use is not in line with the planning intentions of the “R(B)2” and “C(5)” zones, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) has no objection to the temporary use for a period of 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 the implementation of government projects.
- 12.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, warehouses, logistics centres and parking of vehicles (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/157) for a period of 3 years. There has been no major change in planning circumstances of the Site and the surrounding areas since the last approval. The approval of the application on a temporary basis would not jeopardise the implementation of the zoned use, and all the approval conditions under the last approved application have been 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 for the same approval period and the development parameters and the layout remain unchanged. In view of the above, the renewal application is

considered generally in line with the TPB PG-No. 34D.

- 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 there are 6 previous planning approvals for similar/same open storage uses. As mentioned in paragraph 12.3 above, the current application is a renewal of the last approved application. In this regard, sympathetic consideration may be given to the application.
- 12.5 There is no adverse comment from concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling is about 33m away) (**Plan A-2**), and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected. There was one non-substantiated environmental complaint pertaining to the Site received in the past 3 years. To address the concern on the possible environmental nuisances or the technical requirements of the other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised 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 latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental impacts on the surrounding areas.
- 12.6 In addition to 6 previous planning approvals at the Site for various temporary open storage uses, there is a similar approval for temporary open storage use within the same "R(B)2" zone on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee's previous decisions.
- 12.7 Two public comments objecting to the application were 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 comments mentioned in paragraph 11, the Planning Department considers that the temporary open storage of containers could be tolerated for a further period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years and be renewed **from 6.7.2022 to 5.7.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) no operation between 9:00 p.m. to 7:00 a.m. is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the Site, as proposed by the applicant, during the planning approval period;
- (c) no cutting, repairing, dismantling, cleansing, repairing, compaction, tyre repair,

vehicle repair, container repair and workshop activities are allowed on the Site, as proposed by the applicant, during the planning approval period;

- (d) the existing drainage facilities on the Site should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **6.1.2023**;
- (f) the provision of fire extinguisher(s) within **6** weeks from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **17.8.2022**;
- (g) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.1.2023**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **6.4.2023**;
- (i) if any of the above planning condition (a), (b), (c) or (d) 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
- (j) if any of the above planning condition (e), (f), (g) or (h) 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) to (h) are all the same as the previous Application No. A/HSK/157; while conditions on restrictions on container stacking height and stacking distance from the site periphery, prevention of vehicle queuing back to the public road and maintenance of trees, landscape plants and fencing have been removed as per the latest requirements.]*

#### Advisory clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intentions of the "R(B)2" and "C(5)" zones which are intended primarily for medium-density residential developments and for commercial developments, respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact to the surrounding area.

#### **14. Decision Sought**

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

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 19.4.2022
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Relevant Extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
<b>Appendix IV</b>	Previous and Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	'Good Practice for Open Storage Sites' by the Fire Services Department
<b>Appendices VIII-1 to 2</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**