

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

APPLICATION NO. A/HSK/412

- Applicant** : TO Chi Kin (陶志堅) represented by Metro Planning & Development Company Limited
- Site** : Lots 2938 RP(Part), 2939 RP, 2940 RP(Part), 2946, 2947(Part), 2950 S.B(Part) and 2950 RP(Part) in D.D.129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 950m²
- 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** : (i) “Open Space” (about 73%);
(ii) “Residential (Group B) 2” (about 20%); and
[Restricted to a maximum plot ratio of 2.5 and a maximum building height of 90mPD]
(iii) Area shown as ‘Road’ (about 7%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Scrap Metal for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of scrap metal for a period of three years at the application site (the Site) (**Plan A-1**). 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. In any area shown as ‘Road’ on the OZP, all uses or developments except those specified require planning permission from the Board. The Site is currently used for the applied use with a valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Lau Fau Shan Road through the ingress/egress point at

the north-eastern corner of the Site (**Plans A-2 and A-3**). According to the applicant, there are three single-storey temporary structures (not more than 6m high) with a total floor area of about 79m² for site office, rain shelter and toilet uses. One loading/unloading bay for light goods vehicle not exceeding 5.5 tonnes is also provided (**Drawing A-1**). The operation hours are from 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in nine previous planning applications (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**) 13.9.2022
 - (b) Supplementary Information (SI) received on 16.9.2022 (**Appendix Ia**)

2. Justifications from the Applicant

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

- (a) Nine previous applications have been approved by the Board since 2001 for the same or similar use at the Site. The current application is to seek renewal of planning approval under the last approved planning application No. A/HSK/197. All the approval conditions have been complied with. Sympathetic consideration should be given to the current application.
- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F).
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the zones.
- (d) The adjoining areas are occupied for open storage and port back-up uses which make the applied use not incompatible with the surrounding environment. Most of them were granted with planning permissions. The planning circumstances of the current application are similar to that of the adjacent planning permissions for open storage and port back-up uses.
- (e) The impacts on the environment, traffic and drainage are expected to be insignificant.

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 sending notice to the Ha Tsuen

Rural Committee by registered post. 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 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 at **Appendix II**.
- 4.2 The TPB 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 the subject of nine previous applications (No. A/YL-HT/228, 395, 551, 628, 660, 708, 877 and 1063 and A/HSK/197) for temporary open storage uses covering different extents of the Site. All the applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 2001 and 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. Amongst these, planning permission No. A/YL-HT/551 was subsequently revoked due to non-compliance with time-specific approval conditions. Details of these applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.
- 6.2 The last application No. A/HSK/197 was approved with conditions by the Committee on 13.12.2019 for a period of three years with validity up to 13.12.2022. All time-limited approval conditions 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 with the same layout and development parameters.

7. Similar Application

There is a similar application (No. A/HSK/127) for temporary open storage of private car and ancillary inspection centre for a period of three years within/straddling the subject "O" zone in the past five years. The application was approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. Details of this application are summarised at **Appendix IV** and its locations is shown on **Plan A-1**.

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

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 is a vehicle repair workshop. To its further east and northeast across Lau Fau Shan Road are a cluster of village houses of Sha Kong Wai and two sites for parking of vehicles (one being a suspected unauthorized development (UD) and one with valid planning permission);
- (b) to its south are a logistics centre under valid planning permission and a vehicle repair workshop which is a suspected UD. To its further southeast across Lau Fau Shan Road is an open storage yard which is a suspected UD; and
- (c) to its west and southwest are two logistics centre (one being a suspected UD and one with valid planning permission) and an open storage yard with valid planning permission. Further northwest is a warehouse which is a suspected UD intermixed with some residential dwellings.

9. Planning Intentions

The planning intention of the “O” zone is intended primarily for the provision of outdoor open-air public space for active and /or passive recreational uses serving the needs of local residents as well as the general public, whereas that of the “R(B)2” zone is intended primarily for medium-density residential developments.

10. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comments 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.

11. Public Comment Received During the Statutory Publication Period

On 20.9.2022, 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 VII**) objecting to the application on the grounds that the applied use will cause environmental nuisance, pose fire safety hazard and adversely affect the safety and living quality of local villagers.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary open storage of scrap metal for a period of three years at the Site straddling over “O” (about 73%) and “R(B)2” (about 20%) zones and an area shown as ‘Road’ (about 7%) on the

OZP. Whilst the proposed use is not in line with the planning intentions of the “O” and “R(B)2” zones, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) and the Director of Leisure and Cultural Services (DLCS) have no objection to the application. In this regard, approval of the application on a temporary basis of three years would not jeopardize the long-term development of the Site. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.

- 12.2 The applied use is not incompatible with the surrounding areas which are predominantly used for logistics centres, workshops and open storage yards with some of them covered by valid planning permissions (**Plan A-2**).
- 12.3 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and nine previous planning approvals for various temporary open storage uses were given. The current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters, as compared with the approved previous application No. A/HSK/197. 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.
- 12.4 There is no adverse comment from the concerned government departments including Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application. The applied use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding area. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 There are also a similar approval for open storage use within/straddling the same “O” zone on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee’s previous decision.
- 12.6 A public comment objecting to the application was received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above 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 above, the Planning Department considers that the temporary open storage of scrap metal 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 three years and be renewed **from 14.12.2022 to 13.12.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3** 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 **14.3.2023**;
- (c) the existing fire service installations implemented on the Site shall be maintained at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (c) 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
- (e) if the above planning condition (b) 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.

[Approval conditions (a) and (b) are the same as those under the permission for application No. A/HSK/197; restrictions on operation hours, specific activities and maintenance of existing trees and landscape planting have been removed as per the department's latest requirements; and approval conditions on the provision of fire extinguisher(s), submission and implementation of FSIs proposal under the permission for application No. A/HSK/197 are replaced by approval condition (c).]

Advisory clauses

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

- 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 "O" and "R(B)2" zones which are 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 and for medium-density residential developments. There is no strong planning justification in the submission for a departure 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 with Attachments received on 13.9.2022
Appendix Ia	SI received on 16.9.2022
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 and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	Fire Service Installations Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2022**