

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

**APPLICATION NO. A/HSK/430**

- Applicant** : Mr. TANG Sheung Chai (鄧相齊) represented by Metro Planning and Development Company Limited
- Site** : Lots 93 S.A (Part), 771 S.B RP (Part), 772 S.A (Part), 774 S.B RP (Part), 775 S.A RP (Part) and 775 S.B RP (Part) in D.D.125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,715m<sup>2</sup> (including GL of about 50m<sup>2</sup> or 1.3%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Residential (Group A) 3” (“R(A)3”)  
*[Restricted to a maximum plot ratio of 5.5 and a maximum building height of 140mPD]*
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of construction machinery and construction materials 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 concerned zone requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with a valid planning permission until 20.3.2023.
- 1.2 The Site is accessible from Ping Ha Road via a local track, and the ingress/egress point is at the southern part of the Site (**Plans A-2 and A-3**). According to the applicant, there are four single-storey temporary structures for ancillary site offices, electricity meter room and toilet uses (not more than 3m and 3.5m high) with a total floor area of not more than 108m<sup>2</sup>. One loading/unloading bay for medium/heavy goods vehicles is also provided (**Drawing A-1**). The operation hours are from 7:00

a.m. to 11:00 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 four previous planning applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2020 (details at paragraph 6 below). Compared with the last approved application No. A/HSK/207, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters.
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 26.1.2023 **(Appendix I)**
  - (b) Supplementary Information (SI) received on 1.2.2023 **(Appendix Ia)**
  - (c) Further Information (FI) received on 6.2.2023 **(Appendix Ib)**  
*[exempted from publication and recounting requirements]*

## **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) Four previous applications have been approved by the Board at the Site. The current application is to seek renewal of planning approval under the last approved application No. A/HSK/207. All the approval conditions have been complied with.
- (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 zone.
- (d) There is shortage of land for port back-up purpose in the area. 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 Ha Tsuen Rural Committee by registered post. 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 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 planning enforcement action.

#### **6. Previous Applications**

- 6.1 The Site is the subject of four previous applications (No. A/YL-HT/929 and A/HSK/35, 179 and 207) for various temporary public vehicle park and open storage uses covering different extents of the Site. All the applications were approved with conditions by the Committee between 2015 and 2020 on the considerations that the applied/proposed 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 them, planning permission No. A/HSK/179 was subsequently revoked due to non-compliance with time-limited 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/207 was approved with conditions by the Committee on 20.3.2020 for a period of three years with validity until 20.3.2023. All time-limited approval conditions have been complied with.

#### **7. Similar Applications**

There are seven similar applications (No. A/HSK/63, 135, 232, 264, 312, 362 and 385) for temporary open storage with/without ancillary workshop within/straddling the subject "R(A)3" zone in the past five years. All of them were approved with conditions by the Committee between 2018 and 2022 on similar considerations as mentioned in paragraph 6.1 above. One of them was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix IV** and their locations are 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 Ping Ha Road via a local track; 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 are a piece of vacant land, a warehouse which is a suspected unauthorized development (UD) and a logistic centre under valid planning permission;
- (b) to its northeast and east across Ping Ha Road are vehicle repair workshops and an open storage yard of recycling materials which are suspected UD, an open storage yard of scrap metal under valid planning permission and a residential dwelling;
- (c) to its south and southeast are warehouses and an open storage yard of construction materials which are suspected UD and a residential dwelling (about 74m away); and
- (d) to its west are an open storage yard of construction materials and machinery which is a suspected UD and a logistic centre under valid planning permission.

## **9. Planning Intentions**

The planning intention of the “R(A)3” zone is intended 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.

## **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 has adverse comment on the application:

### **Land Administration**

10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the application site comprises Old Schedule Agricultural Lot (OSAL) 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 and the Government Land (GL);

- (b) the private ~~Lot No. 774 S.B~~ **Lot No. 774 S.B RP** in D.D. 125 is covered by Short Term Waivers (STW) No. 4354 for the purpose of Temporary Public Vehicle Park for Medium Goods Vehicle, **Heavy Goods Vehicle** and Container Trailer with Ancillary Site Office; and
- (c) he has grave concern on the application given that there are unauthorized building works and/or uses on the Site which are subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD.

### **Environment**

#### 10.2.2 Comments of the Director of Environmental Protection:

- (a) he does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling is about 74m away) (**Plan A-2**) and environmental nuisance is expected; and
- (b) there was no environmental complaint pertaining to the Site received in the past three years.

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

On 3.2.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

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

- 12.1 The application is for renewal of planning approval for temporary open storage of construction machinery and construction materials for a period of three years at the Site zoned “R(A)3” on the OZP. Whilst the proposed use is not in line with the planning intention of the “R(A)3” zone, the Project Manager (West), Civil Engineering and Development Department has no objection to the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise 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 proposed use is considered not incompatible with the surrounding areas which are predominately used for open storage yards, warehouses and logistic centres with some of them covered by valid planning permissions (**Plan A-2**).
- 12.3 The proposed use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and four previous planning approvals had been granted. 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 last approved application No. A/HSK/207. 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, except

DLO/YL and DEP. DLO/YL expresses concern on the application as there are unauthorized building works at the Site. In this regard, the lot owner(s) should remedy the lease breaches as demanded by LandsD or apply to LandsD to permit the structures to be erected or regularise any irregularity. In addition, DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 74m away), and environmental nuisance is expected (**Plan A-2**). However, there has not been any substantiated environmental complaint against the Site over the past 3 years. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below. The applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental impacts on the nearby sensitive receivers.

12.5 There are seven similar approvals for open storage use within/straddling the same "R(A)3" zone on the OZP (**Plan A-1**) approved by the Committee between 2018 and 2022. Approval of the current application is generally in line with the Committee's previous decisions.

12.6 No public comment on the application was received during the statutory public inspection period.

### **13. Planning Department's Views**

13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary open storage of construction machinery and construction materials 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 21.3.2023 to 20.3.2026**. 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 renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **21.6.2023**;
- (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), (b) and (c) are the same as those under the permission for application No. A/HSK/207; restrictions on operation hours and maintenance of existing landscape planting have been removed as per the department's 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 reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "R(A)3" zone which is primarily for the provision of high-density residential developments. There is no strong planning justification in the submission for a departure 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**

<b>Appendix I</b>	Application Form with Attachments received on 26.1.2023
<b>Appendix Ia</b>	SI received on 1.2.2023
<b>Appendix Ib</b>	FI received on 6.2.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13F
<b>Appendix III</b>	Relevant Extracts of 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>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	As-built Drainage Plan
<b>Drawing A-3</b>	FSIs 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 and A4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2023**