

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/433**

<b><u>Applicant</u></b>	: E Man Construction Co. Ltd. represented by Vision Planning Consultants Ltd.
<b><u>Site</u></b>	: Lots 1824 S.A RP (Part), 1824 S.B RP (Part) and 1824 S.C (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
<b><u>Site Area</u></b>	: About 3,621.2m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
<b><u>Zoning</u></b>	: “Residential (Group A) 3” (“R(A)3”) <i>[Restricted to a maximum plot ratio of 5.5 and maximum building height of 140mPD]</i>
<b><u>Application</u></b>	: Temporary Open Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site) (**Plan A-1a**). 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). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Ping Ha Road via a local track, and the ingress/egress point is at the south-western tip of the Site (**Plans A-2 and A-3**). According to the applicant’s submission, the area for open storage of construction materials is located at the eastern part of the Site while the western part will be mainly used for manoeuvring of vehicles. Two single-storey temporary structures with a total floor area of about 10m<sup>2</sup> for guard room and washroom uses are also proposed. One loading/unloading space for light goods vehicles (LGVs) and heavy goods vehicles (HGVs) (15m x 4.5m) is provided. (**Drawing A-2**). According to the applicant, the operation hours are from 9:00 a.m. to 5:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans

showing the access leading to the Site and the proposed layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is involved in 21 previous planning applications for various open storage, public vehicle park, recycling centre and workshop uses, of which 14 were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1996 and 2021 and seven applications were rejected by the Committee (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/277 approved by the Committee on 8.1.2021, the current application is submitted by the same applicant for the same use with a different layout at the same site. A comparison of the major development parameters of the last application No. A/HSK/277 and the current application is summarised as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/277) (a)</b>	<b>Current Application (A/HSK/433) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Temporary open storage of infrequently used construction materials for a Period of 18 Months	Temporary Open Storage of Construction Materials for a Period of 3 Years	<b>No change in applied uses but longer application period</b>
Site Area	About 3,621.2m <sup>2</sup>	About 3,621.2m <sup>2</sup>	<b>No change</b>
Total Floor Area	About 98m <sup>2</sup>	About 10m <sup>2</sup>	<b>-88m<sup>2</sup></b>
No. of Structures	7 (container-converted structures for storage, staff restroom and guard room uses)	2 (guard room and washroom)	<b>-5</b>
Building Height	Not more than 6m (Not more than 2 storeys)	Not more than 3m (Not more than 1 storey)	<b>-3m (-1 storey)</b>
No. of Loading/Unloading Bay	Nil	1 loading/unloading space for LGVs and HGVs (15m x 4.5m)	<b>+1</b>
Operation Hours	from 9:00 a.m. to 5:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		<b>No change</b>

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)** 17.2.2023
  - (b) Supplementary Information (SI) received on 22.2.2023 **(Appendix Ia)**
  - (c) Further Information (FI) received on 6.4.2023 **(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) A previous application for temporary open storage of construction materials was approved by the Board at the Site. All time-limited approval conditions for the previous application have been fulfilled. The current application is to continue the applied use during the interim period to meet the short-term needs of the applicant before the Site is required for the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) development.
- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses.
- (c) The applied use is solely for storage of construction materials. The Site is located away from residential developments nearby. Limited vehicle trip generations/attractions will be required by the applied use. No unacceptable visual, landscape, drainage, environmental and traffic impacts are anticipated.

## **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 obtaining the owner’s consent. Detailed information would be deposited at the meeting for Members’ inspection.

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

On 14.4.2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). The Site falls within the 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 21 previous applications for various temporary open storage, public vehicle park, recycling centre and workshop uses. Amongst the 21 applications, 14 applications (No. A/YL-HT/7, 302, 477, 507, 539, 570, 632, 662, 733, 811, 829 and 1053 and A/HSK/113 and 277) were approved by the Board/Committee with conditions between 1996 and 2021 on the considerations that the proposed/applied uses were not incompatible with the surrounding areas, generally in line with the Town Planning Board Guidelines TPB PG-No. 13 and no major adverse comments from concerned government departments. However, the planning permission of nine of them were subsequently revoked due to

non-compliance with approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 The remaining seven applications (No. A/YL-HT/2, 91, 161, 171, 188, 211 and 233) for temporary open storage of containers and construction machinery, container trailer and tractor park, recycling materials handling yard and flea market were rejected by the Committee between 1995 and 2002 mainly due to reasons of not in line with planning intention; setting of undesirable precedent; insufficient information to demonstrate that there would be no adverse impacts on the surrounding areas; and further degradation of the environment in the area.
- 6.3 As for the last application (No. A/HSK/277) which was approved with conditions by the Committee on 8.1.2021, all the time-limited approval conditions have been complied with and the planning permission lapsed on 8.7.2022.

## **7. Similar Applications**

There are five similar applications (No. A/HSK/187, 210, 218, 279 and 421) for various temporary open storage uses within/straddling the subject “R(A)3” zone in the past five years. All of them were approved with conditions by the Committee between 2019 and 2022 on considerations similar to those mentioned in paragraph 6.1 above. However, the planning permission of two applications were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

## **8. The Site and Its Surrounding Areas (Plans A-1a 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 without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north is a piece of woodland;
- (b) to its east is Tin Ying Road;
- (c) to its south are two open storage yards (one under valid planning permission and one being a suspected unauthorized development (UD)) and a public vehicle park under valid planning permission; and
- (d) to its southwest and west are an open storage yard under valid planning permission and a logistic centre which is a suspected UD.

## **9. Planning Intention**

The planning intention of the “R(A)3” zone is for high-density residential developments.

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

All 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 IV and V** respectively.

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

On 24.2.2023, 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 temporary open storage of 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. 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 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, logistic centre and public vehicle park 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. 13G in that the Site falls within the HSK/HT NDA and 14 previous planning approvals for similar uses had been granted. As compared with the last approved application No. A/HSK/277, the current application is submitted by the same applicant for the same use with a different layout at the same site. All time-limited conditions under the last planning permission 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 the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, on the application. The proposed use would unlikely cause 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.

## **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 materials could be tolerated for a 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 until **19.5.2026**. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **19.8.2023**;
- (c) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **30.6.2023**;
- (d) 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 **19.11.2023**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **19.2.2024**;
- (f) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (b), (c), (d) or (e) is not complied with by the 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 V**.

- 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 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 17.2.2023
<b>Appendix Ia</b>	SI received on 22.2.2023
<b>Appendix Ib</b>	FI received on 6.4.2023
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	'Good Practice for Open Storage Sites' by the Fire Services Department
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2023**