

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

APPLICATION NO. A/HSK/451

- Applicant** : Triple Treasure (Hong Kong) Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 897 S.B RP in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : About 1,108 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : (i) “Residential (Group A)3” (“R(A)3”) (85.9%); and
[*restricted to a maximum plot ratio of 5.5 and a maximum building height of 140mPD*]
(ii) area shown as ‘Road’ (about 14.1%)
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Constuction Machinery and Construction Materials with Ancillary Office and Repairing Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary warehouse for storage of construction machinery and construction materials with ancillary office and repairing workshop for a period of three years (**Plan A-1a**). Although the applied use is neither a Column 1 or 2 use in the “R(A)3” 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 requires planning permission from the Town Planning Board (the Board), while all uses or developments within areas shown as ‘Road’ also require planning permission from the Board. The Site is currently used for the applied use with valid planning permission until 14.7.2023.
- 1.2 The Site is accessible from Ping Ha Road, and the ingress/egress point is at the western part of the Site (**Plans A-2 and A-3**). According to the applicant, a single-storey warehouse (not exceeding 10m high) for storage of construction

machinery and materials and repairing workshop with a two-storey ancillary site office (with a floor area of about 990m²) is located at the main portion of the Site. Another single-storey temporary structure (not exceeding 8m high) with a floor area of about 50m² used for pump room and water tank uses is located at the north eastern part of the Site (**Drawing A-1**). Two loading/unloading bays for light goods vehicles are also provided. According to the applicant, the operation hours are from 7:00 am to 9:00 pm 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 eight previous planning applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2020 (details at paragraph 6 below). Compared with the last approved application No. A/HSK/224, the current application is submitted by the same applicant for the same use with a same layout at the same site.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on (**Appendix I**)
27.4.2023
 - (b) Supplementary Information (SI) received on 3.5.2023 (**Appendix Ia**)
 - (c) Further Information (FI) received on 19.5.2023* (**Appendix Ib**)
 - (d) FI received on 7.6.2023* (**Appendix Ic**)
*[*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 number of previous applications have been approved by the Board since 2000. The current application is to seek renewal of planning approval under the last approved application No. A/HSK/224. All time-limited approval conditions for the previous application have been complied with. The development parameters under the current application are the same as those of application No. A/HSK/224.
- (b) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the zone.
- (c) There is a shortage of land for port back-up uses in the area.
- (d) The applied use is not incompatible with the surrounding environment. Similar planning applications for open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (e) The impacts on environment, traffic and drainage are expected to be insignificant.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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 II**.

5. Background

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

6. Previous Applications

6.1 The Site is involved in eight previous applications (No. A/YL-HT/178, 362, 514, 600, 780, 925 and 1080 and A/HSK/224) for various open storage and warehouse with/without ancillary office and repairing workshop uses. All the applications were approved with conditions by the Committee between 2000 and 2020 on the considerations that the applied/proposed uses were not incompatible with the surrounding areas and there were no major adverse comments from concerned government departments. However, three of the planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions. Details of the application are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 The last application No. A/HSK/224 for the same use was approved with conditions by the Committee on 12.6.2020 for a period of three years with validity from 15.7.2020 till 14.7.2023. All time-limited approval conditions have been complied with.

7. Similar Application

There is no similar application within the same “R(A)3” zone on the OZP.

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

8.1 The Site is:

- (a) accessible from Ping Ha 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 and northwest are two open storage yards (one under valid planning permission and one being a suspected unauthorized development (UD)), a

logistics center and a vehicle repair workshop which are both suspected UD and a residential dwelling;

- (b) to its east is an open storage yard which is a suspected UD;
- (c) to its south are a vehicle repair workshop and a storage yard which are both suspected UD and some residential dwellings (the nearest one is about 4m away); and
- (d) to its west and southwest across Ping Ha Road are a site for parking of vehicles which is a suspected UD, an electricity substation and a cluster of residential dwellings in Tung Tau Tsuen.

9. Planning Intention

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

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 IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 5.5.2023, 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 warehouse for storage of construction machinery and construction materials with ancillary office and repairing workshop for a period of three years at the Site zoned “R(A)3” and an area shown as ‘Road’ on the OZP. Although the applied 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 adverse comment on 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 applied use is considered not incompatible with the surrounding areas which are predominantly occupied by open storage yards, vehicle repair workshops and logistics centre (**Plan A-2**).

12.3 The application is considered generally in line with TPB PG-No. 34D, in that there

is no major change in planning circumstances, all approval conditions under the previous approval have been complied with, there is no adverse departmental comment on the renewal application and the three-year approval period sought is of the same time-frame as the previous approval and is considered reasonable.

- 12.4 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, have no adverse comment on the application. The applied use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Four previous applications for similar applied uses at the Site (**Plan A-1b**) had been approved between 2012 and 2020 on the grounds that the applied/proposed uses were not incompatible with the surrounding areas and there were no major adverse comments from concerned government departments. Approval of the current application is in line with the Committee's previous decisions.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary warehouse for storage of construction machinery and construction materials with ancillary office and repairing workshop 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 **from 15.7.2023 until 14.7.2026**. 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 **15.10.2023**;
- (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 conditions (a) and (c) 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
- (e) if the above planning condition (b) 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.

[Approval conditions (a), (b) and (c) are the same as those under the permission for

application No. A/HSK/224; and restrictions on operation hours, queuing back and reversing movement of vehicles and maintenance of landscape planting have been removed as per the latest practice.]

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 applied 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

Appendix I	Application Form with Attachments received on 27.4.2023
Appendix Ia	SI received on 3.5.2023
Appendix Ib	FI received on 19.5.2023
Appendix Ic	FI received on 7.6.2023
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	FSIs Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2023**