

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

APPLICATION NO. A/HSK/487

Applicant : Team Harvest Limited represented by Aikon Development Consultancy Limited

Site : Lots 3376 (Part), 3377 (Part), 3378 (Part), 3379 (Part), 3380, 3381 (Part), 3382 (Part), 3383 (Part), 3384 (Part), 3385 (Part), 3386 (Part), 3387 (Part), 3388 (Part), 3389 (Part), 3390, 3391 (Part), 3392 (Part) and 3393 (Part) in D.D.124, Ping Shan, Yuen Long

Site Area : About 8,348m²

Land Status : Block Government Lease (demised for agricultural use)

Plan : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2

Zonings : “Commercial (1)” (“C(1)”) (about 92%); and
[Restricted to a maximum plot ratio of 9.5 and a maximum building height of 200mPD]

Area shown as ‘Road’ (about 8%)

Application : Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment 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 open storage of construction materials and construction equipment for a period of three years (**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 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 14.11.2023.
- 1.2 The Site is accessible from Yick Yuen Road and Castle Peak Road (Hung Shui Kiu Section) via a local track and the ingress/egress point is at its southeastern corner (**Drawing A-1 and Plan A-2**). According to the applicant, there are two meter rooms (2.6m high) with a total floor area of about 8.8m² at the Site while the remaining open-air area of the Site is used for open storage for construction materials and construction equipment, which is non-polluting and non-dangerous in nature. Two

loading/unloading spaces and two parking spaces are provided for 24-tonne goods vehicles (**Drawing A-2**). Storage activities will only be carried out within the Site. The applicant also pledges to maintain all existing trees, drainage facilities, fire service installations (FSIs) facilities and fencing in good condition. The operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The location plan with vehicular access, layout plan and as-built drainage plan submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.

1.3 The Site is the subject of three previous planning applications for various open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2020 (details at paragraph 6 below). Compared with the previous application No. A/HSK/251 approved by the Committee on 23.10.2020 for the same applied use as the current application, the current application is submitted by the same applicant for the same use with a similar layout at the same site.

1.4 In support of the application, the applicant has submitted the following documents:

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|---|---------------|
| (a) Application Form received on 31.8.2023 | (Appendix I) |
| (b) Planning Statement | (Appendix Ia) |
| (c) Further Information (FI) received on 12.9.2023* | (Appendix Ib) |
| (d) FI received on 29.9.2023* | (Appendix Ic) |

**Accepted and 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 Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) the Site is subject to three previous planning approvals (Applications No. A/YL-PS/460, A/HSK/21 and 251). The Applicant has demonstrated full compliance of planning approval conditions in the last planning application for the same applied use;
- (b) there is imperative need for open storage of construction equipment and materials due to the fast-growing demand on construction and civil engineering works initiated by the Government in recent years. The Site, previously approved for open storage use, is considered an ideal site;
- (c) the current application is in line with the Town Planning Board Guidelines No. 34D for application of renewal of planning approval;
- (d) the applied use is not contrary to the relevant TPB PG-No. 13 in that the Site was previously approved for open storage uses and all the approval conditions have been complied with by the applicant. In view of the above, sympathetic consideration may be given to the current application;
- (e) the applied use is not incompatible with the surrounding land use character and it will not generate adverse infrastructural, environmental or traffic impacts; and

- (f) the current renewal application will optimise land resources before the Site is required to be resumed by the Government. Also, since the applied use is temporary in nature, it would not jeopardise the long-term planning intention of the “C(1)” zone and the future development of the Hung Shui Kiu /Ha Tsuen New Development Area (HSK/HT NDA).

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 publishing a notice on local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 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**.
- 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 also 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 three previous applications (No. A/YL-PS/460, A/HSK/21 and 251) for the same applied use. All the applications were approved by the Committee between 2014 and 2020 mainly on considerations that temporary use would not frustrate the long term planning intention for the site; the applied use was not incompatible with the surrounding uses; generally in line with the relevant TPB PG-No. 13 and/or TPB PG-No. 34 and no adverse comments from concerned government departments. 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/251 was approved with conditions by the Committee on 23.10.2020 for a period of three years with validity up to 14.11.2023. All time-limited approval conditions have been complied with.

7. Similar Application

There is a similar application (No. A/HSK/330) for renewal of planning approval for temporary open storage of construction materials and machineries and storage of tools and parts with ancillary site office straddling the same “C(1)” zone on the OZP in the past five

years. The application was approved with conditions for a period of three years by the Committee on 24.9.2021 on similar grounds as mentioned in paragraph 6.1 above. Details of the similar application are summarised 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 Yick Yuen Road and Castle Peak Road (Hung Shui Kiu) via a local track;
- (b) fenced, hard-paved; and
- (c) used for open storage use.

8.2 The surrounding areas are predominantly occupied by open storage yards, parking of vehicles, workshop and storage facilities. Some of them are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “C” 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

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 V and VI** respectively.

11. Public Comments Received During Statutory Publication Period

On 18.8.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 14 public comments were received from individuals. All of them support the application on the grounds that the applied use would facilitate the release of brownfield sites in urban areas and optimise utilisation of land resources, and is compatible with the surroundings with no adverse impact (**Appendix VIII-1 to 14**).

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary open storage of construction materials and construction equipment for a period of three years at the Site partly zoned “C(1)” (about 92%) and partly shown as ‘Road’ (about 8%) on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “C” 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. Notwithstanding this, 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 considered not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, parking of vehicles, workshop and storage facilities (**Plan A-2**).
- 12.3 The applied use is generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and previous approval for the same use was granted in 2020 and all its related approval conditions have been complied with. As such, sympathetic consideration may be given to the current application.
- 12.4 The application is also generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.5 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ adverse comment on the application. The applied use would unlikely create significant adverse environmental, traffic, drainage and fire safety impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.6 Given that three previous approvals had been granted between 2014 and 2020 for the same applied use, and there is a similar approval for temporary open storage use within the subject “C(1)” zone on the OZP (**Plan A-1**) in 2021, approval of the current application is generally in line with the previous decisions of the Committee.
- 12.7 Fourteen public comments supporting the application were received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 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 comments mentioned in paragraph 11, the Planning Department considers that the temporary open storage of construction materials and construction equipment 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 15.11.2023 to 14.11.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no cutting, dismantling or other workshop activity is allowed on the Site during the planning approval period;

- (b) only medium goods vehicles not exceeding 24 tonnes, as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities 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 **15.2.2024**;
- (e) the provision of fire extinguisher(s) and the submission of a valid fire certificate (F.S. 251) within **6 weeks** 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 **27.12.2023**;
- (f) 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 **15.5.2024**;
- (g) in relation to (f) 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 **15.8.2024**;
- (h) if any of the above planning condition (a), (b) or (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
- (i) if any of the above planning condition (d), (e), (f) or (g) 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), (c), (d), (e), (f) and (g) are the same as those under the permission for application No. A/HSK/251; and the restrictions on queuing back and reversing movement of vehicles, the requirements on existing fencing/ trees/ planting maintenance and operation hours have been removed as per the latest practice.]

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of the application.

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 received on 31.8.2023
Appendix Ia	Planning Statement
Appendix Ib	FI received on 12.9.2023
Appendix Ic	FI received on 29.9.2023
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendix VIII-1 to 14	Public Comments
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Drawing A-3	As-built Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**