

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/500

- Applicant** : Mr. TANG On Fai represented by Metro Planning and Development Company Limited
- Site** : Lots 1824 S.B RP (Part) and 1824 S.C (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 4,430m²
- 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) “Residential (Group A) 3” (“R(A)3”) (about 98.5%); and
[restricted to a maximum plot ratio of 5.5 and a maximum building height of 140mPD]

(ii) “Open Space” (“O”) (about 1.5%)¹
- Application** : Temporary Open Storage of Construction Materials and Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium/Heavy Goods Vehicles) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials and public vehicle park (private cars, light goods vehicles and medium/heavy goods vehicles) for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes for the “R(A)3” zone of the OZP, ‘Public Vehicle Park (excluding container vehicle)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). 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 Board. The Site is currently used for parking of vehicles without valid planning permission.
- 1.2 The Site is accessible from Ping Ha Road, and the ingress/egress point is at the southwestern part of the Site (**Plans A-2 and A-3**). According to the applicant, the

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

northern part of the Site (an area of about 1,350m², about 30%) will be used for open storage of construction materials, while the southern part (areas of about 1,443.5m², about 33%) is used for public vehicle park and 97 parking spaces for private cars (each of 5m x 2.5m), six parking spaces for light/medium/heavy goods vehicles (L/M/HGVs) (each of 11m x 3.5m) and one loading/unloading space for M/HGVs (11m x 3.5m) are provided. The remaining area of the Site is for manoeuvring. Three one-storey temporary structures (not more than 3m high) with a floor area of not more than 60m² are used for site offices and guardroom (**Drawing A-2**). The operation hours of the open storage area is 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, while the operation hours of the public vehicle park are from 7:00 a.m. to 11:00 p.m. daily. Plans showing the the access leading to the Site, site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in 23 previous applications for various temporary open storage, public vehicle park, recycling centre and workshop uses, of which 16 were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1996 and 2021 while seven applications were rejected by the Committee/the Board upon review between 1995 to 2002 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/279 approved by the Committee on 22.1.2021, the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters but with a longer operation hour for the public vehicle park. The major development parameters of the current application are summarised as follows:

Major Development Parameters	Current Application (A/HSK/500)
Applied Use	Temporary Open Storage of Construction Materials and Public Vehicle Park (Private Cars, Light Goods Vehicles and Medium/Heavy Goods Vehicles) for a Period of 3 Years
Site Area	About 4,430m ²
Total Floor Area	About 60m ²
No. of Structures	3 (site offices and guard room)
Building Height	Not more than 3m high (1 storey)
No. of Car Parking Space	<ul style="list-style-type: none"> 97 for private cars (each of 5m x 2.5m) 6 for L/M/HGVs (each of 11m x 3.5m)
No. of Loading/Unloading Space	1 for M/HGVs (11m x 3.5m)
Operation Hours	<ul style="list-style-type: none"> 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 for the open storage area from 7:00 a.m. to 11:00 p.m. from Mondays to Sundays including public holidays for the public vehicle park

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

- (a) Application Form with attachments received on 11.1.2024 (Appendix I)
- (b) Further Information (FI) received on 22.2.2024 (Appendix Ia)
[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 Application Form at **Appendix I**. They can be summarised as follows:

- (a) A previous application for the same applied use was approved by the Board in 2021.
- (b) The applied use is in line with the planning intention of the “R(A)3” zone. The applied use is a Column 2 use in the “R(A)3” and “O” zones.
- (c) The applied use is primarily to meet the demand for car parking spaces in the vicinity. The applied use is not incompatible with the surrounding environment. Similar planning applications for temporary public vehicle park have been approved by the Board in the adjoining areas.
- (d) The impacts on environment, traffic and drainage are expected to be insignificant. A drainage proposal has been submitted to support the application.

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. 31B) 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.

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 Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extract of the Guidelines is 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 23 previous applications for various temporary open storage, public vehicle park, recycling centre and workshop uses covering different extents of the Site. Amongst them, 15 applications (No. A/YL-HT/7, 297, 302, 477, 507, 539, 570, 632, 662, 733, 811 and 1053 and A/HSK/113, 210 and 279) for temporary open storage and parking of vehicle uses were approved by the Board/Committee

between 1996 and 2021, mainly on similar considerations that the applied/proposed uses were not incompatible with the surrounding areas; being generally in line with the then TPB PG-No.13; and there were no major adverse comments from concerned government departments. However, ten of the planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions. Application No. A/YL-HT/829 for temporary workshop use was approved by the Committee in 2013 but the considerations are not relevant to the current application. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 The seven earlier applications (No. A/YL-HT/2, 91, 161, 171, 188, 211 and 233) for temporary open storage of containers or construction materials/machinery, container trailer/tractor park, flea market and recycling materials handling yard, were rejected by the Committee/the Board upon review between 1995 and 2002, mainly on the grounds that being not in line with planning intention; setting of undesirable precedent; insufficient information to demonstrate no adverse drainage, traffic environmental and/or landscape impacts on the surrounding areas; and approval of the application would result in further degradation of the environment.
- 6.3 The last previous application No. A/HSK/279 for the same use as the current application was approved by the Committee on 22.1.2021 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 22.1.2024.

7. Similar Applications

There are five similar applications for temporary open storage and/or parking of tractors within/straddling the subject “R(A)3” zone in the past five years. All of them were approved with conditions by the Committee in 2019 and 2023 based on similar considerations as mentioned in paragraph 6.1 above. One of them is subsequently revoked due to non-compliance with time-limited approval condition. 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-4)

8.1 The Site is:

- (a) accessible from Ping Ha Road via local track; and
- (b) currently used for parking of vehicles without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards and logistics centres, intermixed with some unused land. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

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 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 Statutory Publication Period

On 19.1.2024, the application was published for public inspection. During the statutory public inspection period, a supporting public comment from a Yuen Long District Council member was received (**Appendix VII**) on the ground that the applied use could reduce illegal parking in the surrounding area.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction materials and public vehicle park (private cars, light goods vehicles and medium/heavy goods vehicles) for a period of three years at the Site zoned “R(A)3” on the OZP. Whilst 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. 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 open storage yards and logistics centres, with some unused land (**Plan A-2**).

12.3 The applied use is generally in line with the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and previous planning approvals had been granted from 1996 to 2021. For the last approved application, all 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. In this regard, sympathetic consideration may be given to this 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 regarding environmental, traffic, fire safety and drainage aspects respectively. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.

12.5 Given 15 previous approvals for temporary open storage and/or parking of vehicles

use had been granted for the Site and five similar applications had been approved by the Committee in the past five years, approval of the current application is generally in line with the previous decisions of the Committee.

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 construction materials and public vehicle park (private cars, light goods vehicles and medium/heavy goods vehicles) 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 **1.3.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 **1.6.2024**;
- (d) 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 **12.4.2024**;
- (e) 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 **1.9.2024**;
- (f) the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **1.12.2024**;
- (g) if any of the above planning condition (a) or (b) 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
- (h) if any of the above planning condition (c), (d), (e) or (f) 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 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 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 received on 11.1.2024
Appendix Ia	FI received on 22.2.2024
Appendix II	Relevant Extract of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendix VII	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**