

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/506

- Applicant** : Mr. TANG Yui Kan represented by Metro Planning & Development Company Limited
- Site** : Lots 799 (Part) and 800 (Part) in D.D. 125 and Lot 3300 (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 824m²
- 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
- Zoning** : “Residential (Group A)3” (“R(A)3”)
[restricted to a maximum plot ratio of 5.5 and a maximum building height of 140mPD]
- Application** : Temporary Open Storage of Trucks and Goods Compartments of Dump Trucks for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of trucks and goods compartments of dump trucks 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 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 through an existing vehicle repair workshop, and the ingress/egress point is at the southwestern part of the Site (**Plans A-2 and A-3**). According to the applicant, four one-storey temporary structures (not more than 2.5m high) with a total floor area of about 118m² are used for storage and rain shelter. The open area is for open storage of trucks and goods compartments of dump trucks. Two parking spaces for private cars (each of 5m x 2.5m) are provided (**Drawing A-2**). 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 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 eight previous applications for various temporary open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1999 and 2020 (details at paragraph 6 below) (**Plan A-1b**). Compared with the last application No. A/HSK/232 approved with conditions on 1.9.2020, the current application is submitted by the same applicant for the same use with the 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 1.2.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 6.2.2024 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the Application Form and SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) Eight previous applications for temporary open storage use have been approved by the Board at the Site since 1999. All time-limited approval conditions of the previous application No. A/HSK/232 have been fulfilled. A fresh application is submitted due to the late renewal of the tenancy of the Site.
- (b) The development conforms with the relevant Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. 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.
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone. The impacts on environment, traffic and drainage are expected to be insignificant. No repairing and workshop activity will be carried out on the Site. No public vehicle park will be allowed on the Site.

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 eight previous applications (No. A/YL-HT/105, 274, 403, 571, 753 and 912 and A/HSK/16 and 232) for various temporary open storage uses covering different extents of the Site. All eight applications were approved by the Committee between 1999 and 2020 mainly on similar considerations that the applied/proposed uses were not incompatible with the surrounding areas; generally in line with the relevant TPB PG-No.13 and no major adverse comments from concerned government departments. However, one of the planning permissions was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.
- 6.2 The last previous application No. A/HSK/232 for the same use as the current application was approved by the Committee on 1.9.2020 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 23.9.2023.

7. Similar Applications

There are eight similar applications for various temporary open storage uses with/without logistics centre and/or public vehicle park 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 2023 based on similar considerations as mentioned in paragraph 6.1 above. However, two of the planning permissions 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 local track through an existing vehicle repair workshop; and
 - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres, warehouses, vehicle repair workshop and warehouses intermixed with some residential dwellings, vacant and unused land. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

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

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 IV and V** respectively.

10.2 The following government department does not support the application.

Environment

10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application because there are sensitive uses in the vicinity of the site (the nearest residential dwelling being about 53m away) (**Plan A-2**) and environmental nuisance is expected; and
- (b) no environmental complaints pertaining to the Site were received in the past three years.

11. Public Comment Received During Statutory Publication Period

On 9.2.2024, 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 trucks and goods compartments of dump trucks 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)” 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, logistics centres, warehouses, vehicle repair workshop and warehouses intermixed with some residential dwellings, vacant and unused land (**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 eight previous planning approvals involving open storage use had been granted from 1999 to 2020. For the last approved application, all approval conditions have been complied with. The current application is submitted by the same applicant for the same use at the same site with the same layout. In this regard, sympathetic consideration may be given to this application.

12.4 While DEP does not support the application as there are sensitive uses in the

vicinity (the nearest residential dwelling being about 53m away) (**Plan A-2**) and environmental nuisance is expected, no environmental complaint pertaining to the Site has been received in the past three years. Should the application be approved, the applicant will be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental nuisance on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.

- 12.5 Given eight previous approvals for various temporary open storage uses had been granted for the Site between 1999 and 2020 and eight similar applications had been approved by the Committee in the past five years, approval of the current application is 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, the Planning Department considers that the temporary open storage of trucks and goods compartments of dump trucks 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 **15.3.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repair and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no public vehicle park, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) 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 **15.6.2024**;
- (g) 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 **26.4.2024**;
- (h) 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 **15.9.2024**;

- (i) in relation to (h) above, 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 **15.12.2024**;
- (j) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (k) if any of the above planning condition (f), (g), (h) or (i) 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)" zone which is primarily for 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 1.2.2024
Appendix Ia	SI received on 6.2.2024
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
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
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**