

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

APPLICATION NO. A/HSK/512

- Applicant** : Wealthy Great Investment Limited represented by Lanbase Surveyors Limited
- Site** : Lots 844 RP (Part), 845 (Part) and 850 S.B RP (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,130 m²
- 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** : (i) “Residential (Group A) 3” (“R(A)3”) (about 56%); and
[restricted to a maximum plot ratio of 5.5 and a maximum building height of 140mPD]

(ii) area shown as ‘Road’ (about 44%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials with Ancillary Office 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 with ancillary office for a further 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). The Site is currently used for the applied use with valid planning permission under application No. A/HSK/310 until 25.6.2024.
- 1.2 The Site is accessible from Ping Ha Road and the ingress/egress point is at the western part of the Site (**Plan A-2 and A-3**). According to the applicant, nine temporary structures (one to two storeys, not more than 5.9m high) with a total floor area of about 388.81m² are used for storage, office, meter room, toilet and rain shelter. The open area (about 784.39m² or 69.4% of the Site) is for open storage of construction materials. One loading/unloading space for heavy goods vehicles (11.5m x 3.5m) is provided (**Drawing A-1**). The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the site layout and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is involved in three previous applications for temporary open storage of construction materials with ancillary office which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2021 (details at paragraph 6 below) (**Plan A-1**). Compared with the last application No. A/HSK/310 approved with conditions on 25.6.2021, 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 18.3.2024 (**Appendix I**)
 - (b) Supplementary Planning Statement with Annexes (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 21.3.2024 (**Appendix Ib**)
 - (d) Further Information (FI) received on 11.4.2024 (**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 Application Form at **Appendix I**. They can be summarised as follows:

- (a) A number of previous applications for open storage use at the Site have been approved by the Board. The current application is to seek renewal of planning approval under the last approved application No. A/HSK/310. All time-limited approval conditions of the previous application have been fulfilled.
- (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 open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (c) The impacts in terms of environment, traffic and drainage aspects are expected to be insignificant.

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

The applicant is one of the “current land owners” and 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 publishing notice in local newspapers and sending notice to Ping Shan Rural Committee by registered post. 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 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**.

- 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 relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in three previous applications (No. A/YL-HT/879, 1068 and A/HSK/310) for temporary open storage of construction materials with ancillary office covering different extents of the Site. All three applications were approved by the Committee between 2014 and 2021 mainly on the 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. Details of these applications are summarised at **Appendix IV** and their boundaries are shown on **Plan A-1**.
- 6.2 The last application No. A/HSK/310 was approved with conditions by the Committee on 25.6.2021 for a period of three years with validity up to 25.6.2024. All time-limited conditions have been complied with.

7. Similar Applications

There is a similar application for temporary open storage use within/straddling the subject “R(A)3” zone and area shown as ‘Road’ in the past five years. The application was approved with conditions by the Committee in 2019 based on similar considerations as stated in paragraph 6.1 above. Details of this application are summarised in **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) directly abutting and accessible from Ping Ha Road; and
 - (b) currently used for the applied use with valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by open storage yard, warehouse, logistics centre and vehicle service centre, intermixed with some residential dwellings, vacant and 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)” 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 V and VI** 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 35m 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 26.3.2024, 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 renewal of planning approval for temporary open storage of construction materials with ancillary office for a period of three years at the Site zoned “R(A)3”, and partly within an area shown as ‘Road’ on the OZP. Whilst the applied use is not entirely 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 occupied by open storage yard, warehouse, logistics centre and vehicle service centre, 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 previous planning approvals for temporary open storage use

had been granted from 2014 to 2021. As compared with the last approved application No. A/HSK/310, the current application is submitted by the same applicant for the same use with the same layout and development parameters 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 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 which is the same as the last approval granted by the Committee is not unreasonable.
- 12.5 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 35m 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.
- 12.6 Three previous applications for temporary open storage use involving the Site had been approved between 2014 and 2021 and one similar application has been approved by the Committee in the past five years. 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 open storage of construction materials with ancillary office 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, and be renewed **from 26.6.2024 to 25.6.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 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) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;

- (e) the submission of a condition record of the existing drainage facilities on the site 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 **26.9.2024**;
- (f) if any of the above planning condition (a), (b), (c) or (d) 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 the above planning condition (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.

[Approval conditions (a), (b), (c) and (e) are the same as those under the permission for application No. A/HSK/310 while approval conditions on the provision of fire extinguisher, submission and implementation of the FSIs proposal have been replaced by approval condition (d); and approval conditions on restriction on queuing back and reversing movement of vehicles and maintenance of existing landscape planting 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 18.3.2024
Appendix Ia	Supplementary Planning Statement with Annexes
Appendix Ib	SI received on 21.3.2024
Appendix Ic	FI received on 11.4.2024
Appendix II	Relevant Extract 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
Drawing A-1	Proposed Layout Plan
Drawing A-2	FSIs Plan
Plan A-1	Location Plan

Plan A-2

Plan A-3

Plans A-4a to 4b

Site Plan

Aerial Photo

Site Photos

PLANNING DEPARTMENT
MAY 2024