

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

APPLICATION NO. A/HSK/518

- Applicant** : Mr. Wu Siu-sing represented by Metro Planning & Development Company Limited
- Site** : Lots 41 (Part), 46 (Part), 49 (Part), 50 (Part), 51 (Part) and 52 S.B (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : About 1,472 m² (including about 37m² of GL (about 2.5%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plans and Zonings** : (i) “Government, Institution or Community” (“G/IC”) (about 7%); and
[restricted to a maximum building height (BH) of 8 storeys]
- (ii) area shown as ‘Road’ (about 79.5%); and
on the approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- (iii) “Residential (Group D)” (“R(D)”) (about 13.5%)
[restricted to maximum plot ratio of 0.2 and a maximum BH of 2 storeys (6m)]
on the approved Ha Tsuen Fringe (HTF) OZP No. S/YL-HTF/12
- Application** : Renewal of Planning Approval for Temporary Open Storage of Scrap Metal and Plastic 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 scrap metal and plastic for a further period of three years (**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 with valid planning permission under application No. A/HSK/304 until 6.7.2024.
- 1.2 The Site is accessible from Ping Ha Road via a local track, and the ingress/egress point is at the southern part of the Site (**Drawing A-1, Plan A-2 and A-3**). According to the applicant, two one-storey converted containers (not more than 4m high) with a total floor area of about 111m² are used for storage and site office. The open area is for open storage of scrap metal and plastic. One loading/unloading space for light

goods vehicles (7m x 3.5m) is provided (**Drawing A-2**). According to the applicant, 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 access leading to the Site, site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in 11 previous applications for various temporary open storage uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2021 (details at paragraph 6 below) (**Plan A-1b**). Compared with the last application No. A/HSK/304 approved with conditions on 28.5.2021, 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 15.4.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 10.5.2024 (**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 number of previous applications for open storage use at the Site have been approved by the Board since 1998. The current application is to seek renewal of planning approval under the last approved application No. A/HSK/304. All time-limited approval conditions of the previous application have been fulfilled.
- (b) The application 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.
- (c) The impacts in terms of environment, traffic and drainage aspects from the development are expected to be insignificant.

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

The applicant is not a “current land owner” 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 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. The “Owner’s Consent/Notification” Requirements under TPG PG-No.31B are not applicable to the GL portion.

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 11 previous applications (No. A/YL-HT/63, 186, 241, 306, 452, 627, 671, 788 and 952 and A/HSK/77 and 304) for various temporary open storage uses covering different extents of the Site. All the applications were approved by the Committee between 1998 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 having no major adverse comments from concerned government departments. However, four of the planning permissions were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix IV** and their boundaries are shown on **Plan A-1b**.
- 6.2 The last application No. A/HSK/304 was approved with conditions by the Committee on 28.5.2021 for a period of three years with validity up to 6.7.2024. All time-limited conditions have been complied with.

7. Similar Applications

There are six similar applications for various temporary open storage uses within/straddling the subject “G/IC” zone and area shown as ‘Road’ on the HSK and HT OZP in the past five years. All of them were approved with conditions by the Committee between 2019 and 2022 based on similar considerations as stated in paragraph 6.1 above. Details of these applications are summarised in **Appendix IV** 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 to Ping Ha Road via a local track; and
 - (b) currently used for the applied use with valid planning permission.

- 8.2 The surrounding areas are predominantly occupied by open storage yards, storage facilities and warehouses intermixed with some residential dwellings and graves. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intentions

- 9.1 The planning intention of the “G/IC” zone on the approved HSK and HT OZP is primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory.
- 9.2 The planning intention of the “R(D)” zone on the approved HTF OZP is primarily for improvement and upgrading of existing temporary structures with the rural areas through redevelopment of existing temporary structures into permanent buildings.
- 9.3 The concerned area shown as ‘Road’ is reserved for a local access road.

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 has reservation on the application.

Land Administration

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) he has reservation on the application since there is unauthorized structure(s) on Lot 50 in D.D. 128 which is already subject to lease enforcement actions according to case priority. The lot owner should apply for regularization of the lease breaches as demanded by LandsD;
 - (b) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing; and
 - (c) his advisory comments are at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 19.4.2024, 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

scrap metal and plastic for a period of three years at the Site partly zoned “G/IC” (7%) and partly shown as ‘Road’ (79.5%) on the approved HSK and HT OZP, and partly zoned “R(D)” (13.5%) on the approved HTF OZP. Whilst the applied use is not in line with the planning intentions of the “G/IC”, “R(D)” zones and area shown as ‘Road’, relevant departments including 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 yards, storage facilities and warehouses intermixed with some residential dwellings and graves (**Plan A-2**).
- 12.3 The applied use is generally in line with TPB PG-No. 13G in that the Site falls mostly within the HSK/HT NDA and previous planning approvals for temporary open storage use had been granted from 1998 to 2021. As compared with the last approved application No. A/HSK/304, 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 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. Regarding DLO/YL, LandsD’s comments on unauthorized building structure(s) on Lot 50 in D.D. 128, should the application be approved, the applicant will be advised to remedy the lease breaches or to regularise any irregularities at the Site with LandsD.
- 12.6 Given that 11 previous applications for temporary open storage use involving the Site had been approved between 1998 and 2021 and six similar applications have 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 scrap metal and plastic 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 7.7.2024 to 6.7.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) the existing fire service installations implemented on the site shall be maintained in efficient working order 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.10.2024**;
- (d) if any of the above planning condition (a) and (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
- (e) if the above planning condition (c) 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/304; and approval conditions on restriction on operation hours, 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 15.4.2024

Appendix Ia	FI received on 10.5.2024
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	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

PLANNING DEPARTMENT
JUNE 2024