

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

APPLICATION NO. A/HSK/531

- Applicant** : Team Harvest Limited represented by Aikon Development Consultancy Limited
- Site** : Various Lots in D.D. 124, Ping Shan, Yuen Long, New Territories
- Site Area** : About 42,580m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK/HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Commercial (1)” (“C(1)”) (about 38%);
[restricted to a maximum plot ratio of 9.5 and a maximum building height (BH) of 200mPD]
- “Open Space” (“O”) (about 32%);
- “Open Space (1)” (“O(1)”) (about 14%); and
[restricted to a maximum non-domestic Gross Floor Area of 2,350m² and a maximum BH of 20mPD]
- Area shown as ‘Road’ (about 16%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site 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 and machineries and storage of tools and parts with ancillary site office 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), 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 9.10.2024.
- 1.2 The Site is accessible from Yik Yuen Road and the ingress/egress point is at the south-

western part of the Site (**Drawing A-1 and Plan A-2a**). According to the applicant, there are 24 one to three-storey temporary structures (ranging from 2.4m to 7.2m in height) at the Site with a total floor area of about 1,194.16m² for storage, site office, electricity room, staff rest area, guard room and toilet uses. The remaining open-air area of the Site is used for open storage for construction materials and machineries, which is non-polluting and non-dangerous in nature. Six parking spaces for private cars and three loading/unloading bays for heavy goods vehicles are also provided. According to the applicant, no dismantling, repairing or other workshop activity will 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 9:00 a.m. to 7:00 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, as-built drainage plan and FSIs plan submitted by the applicant are shown on **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of 10 previous applications including nine applications for various open storage uses (**Plan A-1b**) (details at paragraph 6 below). Among the nine applications, eight were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2004 and 2021. Compared with the last previous application No. A/HSK/330 approved with conditions by the Committee on 24.9.2021, the current application is submitted by the same applicant for the same use with the same layout and development parameters. All time-limited conditions of the last previous application have been complied with.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 26.6.2024 (**Appendix I**)
 - (b) Supporting Planning Statement (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 3.7.2024 (**Appendix Ib**)
 - (d) Further Information (FI) received on 30.7.2024 (**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 Supporting Planning Statement and the FI at **Appendices Ia and Ic**. They can be summarised as follows:

- (a) the Site is subject to four previous planning approvals (applications No. A/YL-PS/389 and 494 and A/HSK/96 and 330) for the same applied use. The applicant has demonstrated full compliance of planning approval conditions in the last previous application;
- (b) there is imperative need for open storage of construction materials and machineries 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 and there would be no changes in the nature and operation of the applied use compared with the previous application No. A/HSK/330;

- (d) the applied use is not contrary to the relevant TPB PG-No. 13G 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;
- (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 and the future development of the Hung Shui Kiu /Ha Tsuen New Development Area (HSK/HT NDA); and
- (g) the applicant is well aware that part of the Site is subject to land resumption. Since a suitable new site in Ha Tsuen¹ has been identified, this renewal application would allow more time for the applicant to relocate the existing operations and business undertaking to the new site. The applicant is committed to cease and clear the existing operations that falls within the land resumption area before the commencement of site formation and infrastructural works to be carried out by the Government, and would ensure no disturbance to the relevant works schedule. Also, the applicant hopes that the existing business operations at the remaining area of the Site could be tolerated before the relocation.

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 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 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**.

¹ Subject to two planning applications (No. A/YL-HTF/1133 and 1166) for temporary open storage uses approved by the Committee on 10.6.2022 and 1.3.2024 respectively.

5. Background

- 5.1 The Site is not subject to any planning enforcement action.
- 5.2 The Site falls within the Second Phase development of the HSK/HT NDA. According to the Gazette Notices No. 3102 and 3103 gazetted on 31.5.2024, part of the Site (about 62%) will be reverted to the Government on 31.8.2024 under the Lands Resumption Ordinance (Chapter 124) and Roads (Works, Use and Compensation Ordinance (Chapter 370). The remaining portion (about 38%) is currently not subject to any land resumption by the Government (**Plan A-2b**).

6. Previous Applications

- 6.1 The Site is the subject of 10 previous applications (No. A/DPA/YL-PS/12, A/YL-PS/157, 217, 227, 264, 314, 389 and 494 and A/HSK/96 and 330) covering different extents of the Site. Amongst them, eight applications (No. A/YL-PS/157, 217, 264, 314, 389 and 494 and A/HSK/96 and 330) for various temporary open storage uses were approved with conditions by the Committee between 2004 and 2021 on the considerations that the applied uses were not incompatible with the surrounding areas; generally in line with the then Town Planning Board Guidelines TPB PG-No. 13/13F; and no major adverse comments from concerned Government departments. Two of these applications (No. A/YL-PS/157 and 314) were subsequently revoked due to non-compliance with the time-limited approval conditions.
- 6.2 There were two other previous applications rejected by the Committee in 1994 and 2009 respectively when the Site had yet to be designated as part of the NDA. Application No. A/DPA/YL-PS/12 for proposed open storage of containers was rejected by the Committee on 18.3.1994 on the grounds that the proposed development was not compatible with the surrounding land uses; and no information to demonstrate that the development would not have adverse traffic, environmental, sewerage, visual and drainage impacts on the surrounding areas. The considerations for application No. A/YL-PS/227 for proposed residential development is not relevant to the current application which involves a different use.
- 6.3 The last previous application No. A/HSK/330 for the same applied use was approved with conditions by the Committee on 24.9.2021 for a period of three years with validity up to 9.10.2024. All time-limited conditions have been complied with. Details of the previous applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1b**.

7. Similar Applications

There are two similar applications (No. A/HSK/251 and 487) for temporary open storage uses within/straddling the same “C(1)”, “O” and “O(1)” zones in the past five years. They were approved with conditions by the Committee in 2020 and 2023 respectively on similar considerations as mentioned in paragraph 6.1 above. Details of these applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

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
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas are predominantly occupied by parking of vehicles, open storage yards, an office and storage facility, a vehicle repair workshop and a construction site intermixed with some residential dwellings and unused land. Some of these uses are covered with valid planning permissions and some others are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intentions

- 9.1. The planning intention of the “C(1)” 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.
- 9.2. The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public. On land designated “O(1)”, the open space area will be provided in the form of a Regional Plaza. To serve the community and enhance the vibrancy of the Regional Plaza, it is intended that commercial uses such as shop and services and eating places would be provided in the area adjacent to the railway station subject to the approval of the Board.
- 9.3. The concerned area shown as ‘Road’ is intended for the new key access road (i.e. Road D6) to the proposed HSK Station and the major retails and commercial area.

10. Comments from Relevant Government Bureau/Departments

- 10.1 Apart from the government departments 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 departments object to/ have adverse comment on the application:

Long-term Development and Land Administration

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) and the Chief Estate Surveyor/New Development Area (CES/NDA), LandsD:
 - (a) They object to the subject application.
 - (b) The Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
 - (c) The private lots which are covered by Short Term Waivers (STWs) are listed below:

<u>Lot.</u> <u>(in D.D. 124)</u>	<u>STW No.</u>	<u>Purposes</u>
3373	3279	Ancillary Use to Open Storage of Construction Materials and Machineries
3228 RP	4576	Temporary Open Storage of Construction Materials and Machineries and Storage of Tools and Parts with Ancillary Site Offices
3206 RP, 3226 RP, 3231, 3233, 3339 & 3375	4577	
3340 & 3341	4578	
3374	4579	
3371	4580	

- (d) The subject lots are affected by the Second Phase development of HSK/HT NDA. According to the Gazette Notices No. 3102 and 3103 gazetted on 31.5.2024, the subject lots shall revert to the Government on 31.8.2024 (the Reversion Date) (**Plan A-2b**). The proposal submitted by the applicant conflicts with the Government's planned uses of the lots after the Reversion Date.

10.2.2 Comments of the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

The Site falls within the boundary of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within the sites under Second Phase development of HSK/HT NDA. The site formation and engineering infrastructure works for Second Phase development had commenced progressively from mid-2024. Part of the Site will be reverted to the Government in end August 2024 and the works of Second Phase development will proceed accordingly (**Plan A-2b**).

Railway Development

10.2.3 Comments of the Commissioner for Northern Metropolis Railway Office, Highways Department (C for NMR, HyD):

It is noted that part of the subject temporary open storage overlapped with the scheme boundary of the HSK Station project which had been authorised in March 2024 (**Plan A-2b**). As agreed with LandsD, the overlapping area concerned is targeted to be handed over to MTR Corporation Limited for the HSK Station project by end 2024. The area will also be reverted to the Government under the HSK/HT NDA project of CEDD beforehand. Unless the aforementioned physical and programme conflict can be resolved, there will be substantial cost and time implication to the HSK Station project, and the commissioning of the HSK Station would be delayed.

Environment

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

- (a) He does not support the application as there are sensitive users in vicinity of the Site (with the closest residential dwelling adjoining the Site) (**Plan A-2a**), and the development involves the use of heavy goods vehicles. Environmental nuisance is expected.
- (b) There was no substantial environmental complaint pertaining to the Site received in the past 3 years.

11. Public Comment Received During Statutory Publication Period

On 5.7.2024, 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 and machineries and storage of tools and parts with ancillary site office for a period of three years at the Site zoned “C(1)” (about 38%) , “O” (about 32%), “O(1)” (about 14%) and area shown as ‘Road’ (about 16%) on the OZP (**Plan A-1**). The applied use is considered not in line with the planning intentions of the “C(1)”, “O” and “O(1)” zones and area shown as ‘Road’, and DLO/YL, LandsD, CES/NDA, LandsD and PM(W), CEDD object to or have adverse comments on the application as part of the Site will be resumed and reverted to the Government on the Reversion Date (**Plan A-2b**) and the applied use conflicts with the planned uses of the Site after the Reversion Date. C for NMR, HyD also has adverse comments on the application since part of the Site overlapped with the scheme boundary of the HSK Station (**Plan A-2b**), which also falls within the land resumption area. On the other hand, DLCS advises that there is no plan to develop the Site zoned “O” and “O(1)” into public open space in the upcoming three years and has no in-principle objection to the application.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly occupied by parking of vehicles, open storage yards, an office and storage facility, a vehicle repair workshop and a construction site intermixed with some residential dwellings and vacant and unused land (**Plan A-2a**).
- 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 various temporary open storage uses had been granted from 2004 to 2021. All time-limited approval conditions of the last previous application No. A/HSK/330 have been complied with. The current application is submitted by the same applicant for the same use with the same layout and development parameters.
- 12.4 In response to concerned departments’ comments on the resumption of the Site as mentioned in para. 12.1 above, the applicant has confirmed in its submission (**Appendix Ic**) that it has identified an alternative site in Ha Tsuen² for relocation of the existing operations at the Site, and has committed to cease and clear the operations which fall within the land resumption area before commencement of site formation and infrastructural works to be carried out by the Government.

² Subject to two planning applications (No. A/YL-HTF/1133 and 1166) for temporary open storage uses approved by the Committee on 10.6.2022 and 1.3.2024 respectively.

- 12.5 Although part of the Site would be reverted to the Government soon as mentioned in paragraph 12.1 above, noting that all the time-limited approval conditions under the previous approval had been complied with; the three-year approval period sought is reasonable and of the same timeframe as the previous approval; and the planned permanent development would not be pre-empted given the applicant's commitment as mentioned in paragraph 12.4 above, the application is considered not in conflict with TPB PG-No. 34D. Although part of the Site (about 62%) will be reverted to the Government on the Reversion Date, the remaining portion (about 38%) is not subject to any land resumption by the Government at this stage. It is also noted that the applicant has identified a relocation site to continue their existing business. The current renewal application is merely to allow more time for the applicant and his tenants to relocate their operations and business undertakings. As such, sympathetic consideration may be given to the current application, so that the remaining portion of the Site which is not yet resumed can continue to be used for the applied use in the interim.
- 12.6 Other concerned government departments, including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to/ adverse comment on the application from traffic, drainage and fire safety perspectives respectively. While DEP does not support the application as there are sensitive uses in the vicinity (with the nearest residential dwelling adjoining the Site) (**Plan A-2a**) and the development involves the use of heavy goods vehicles, no substantial 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.
- 12.7 Eight previous applications had been approved between 2004 and 2020 for various temporary open storage uses, and there are two similar approvals for temporary open storage use within the subject "C(1)", "O", "O(1)" zones and area shown as 'Road' on the OZP in 2020 and 2023 (**Plan A-1a**). 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, the Planning Department considers that the temporary open storage of construction materials and machineries and storage of tools and parts with ancillary site 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 10.10.2024 to 9.10.2027. 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; and the implementation of necessary mitigation

measures to eliminate flooding risk to the satisfaction of the Director of Drainage Services or of the Town Planning Board should the drainage condition of the site is altered;

- (b) 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 **10.1.2025**;
- (c) 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 **21.11.2024**;
- (d) 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 **10.4.2025**;
- (e) in relation to (d) 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 **10.7.2025**;
- (f) if the above planning condition (a) 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 any of the above planning condition (b), (c), (d) or (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.

Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the Site falls within the Second Phase development of the HSK/HT NDA with imminent land resumption and development programme with part of it to be reverted to the Government on 31.8.2024. Approval of the application would jeopardise the planned developments of the Site under the HSK/HT NDA. There is no strong planning justifications in the submission for a departure from the planning intentions.

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 26.6.2024
Appendix Ia	Supporting Planning Statement
Appendix Ib	SI received on 5.7.2024
Appendix Ic	FI received on 30.7.2024
Appendix II	Relevant Extract of TPB PG-No. 13G
Appendix III	Relevant Extract 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
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	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 Applications Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**