

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

APPLICATION NO. A/HSK/542

- Applicant** : Mr. LEUNG Hing Yip represented by Metro Planning and Development Company Limited
- Site** : Lots 1922 RP (Part), 1923 (Part), 1925 (Part), 1926 (Part), 1928 (Part), 1929 (Part), 1930 (Part), 1931 RP (Part), 1932 (Part) and 1933 (Part) in D.D.125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 4,150m²
- 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) 4” (“R(A)4”) (about 56%);
[Restricted to a maximum plot ratio of 5 and a maximum building height (BH) of 100 mPD]
- (ii) “Open Space” (“O”) (about 37%); and
- (iii) “Government, Institution or Community” (“G/IC”) (about 7%)
[Restricted to a maximum BH of 8 storeys]

Application : Renewal of Planning Approval for Temporary Open Storage of Vehicles (Private Cars and Light Goods Vehicles), Container Vehicles and Trailers 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 vehicles (private cars and light goods vehicles), container vehicles and trailers 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/340 until 1.2.2025.
- (a) The Site is accessible from Ping Ha Road via a local track and the ingress/egress point is at the northwestern part of the Site (**Drawing A-2, Plans A-2 and A-3**).

According to the applicant, no change to the layout is proposed in this renewal application. To recapitulate, a total area of about 2,090m² (including three areas of about 450m², 650m² and 990m² respectively, about 50% of the site area) is used for open storage of private cars and light goods vehicles, container vehicles and trailers. Two temporary structures (one to two storeys, not more than 5m high) with a total floor area not exceeding 280m² are used for site offices. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there is no operation on Sundays and public holidays. No workshop activities would be carried out at the Site. 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.

- 1.2 The Site was involved in four previous applications for various open storage uses which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board from 1996 to 2021 (details at paragraph 6 below) (**Plan A-1**). Compared with the last application No. A/HSK/340 approved with conditions on 24.12.2021, the current application is submitted by the same applicant for the same use with the same layout at the same site.
- 1.3 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 11.12.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 23.12.2024 (**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:

- (b) Three previous applications for the same applied use at the Site have been approved by the Board since 2015. The current application is to seek renewal of planning approval under the last approved application No. A/HSK/340. All time-limited approval conditions of the previous application have been fulfilled.
- (c) 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.
- (d) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones.
- (e) 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 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

- 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 was involved in four previous applications (No. A/YL-HT/7 and A/HSK/104, 327 and 340) for various open storage uses which were approved by the Committee from 1996 to 2021 mainly on the considerations that the applied 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, one of the planning permissions was subsequently revoked in 1997 due to non-compliance with time-limited approval condition. 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/340 was approved with conditions by the Committee on 24.12.2021 for a period of three years with validity up to 1.2.2025. All time-limited approval conditions have been complied with.

7. Similar Applications

There are eight similar applications involving various open storage uses within/straddling the subject “R(A)4”, “O” and “G/IC” zones in the past five years which were all approved with conditions by the Committee between 2020 and 2024 based 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-1**.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 8.1 The Site is:

- (a) accessible from 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, logistics centre and vehicle repair workshops. 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 “R(A)” zone is primarily for high-density residential developments.
- 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.
- 9.3 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory.

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 V and VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 20.12.2024, 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 vehicles (private cars and light goods vehicles), container vehicles and trailers for a period of three years at the Site zoned “R(A)4” (about 56%), “O” (about 37%) and “G/IC” (about 7%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(A)”, “O” and “G/IC” zones, the Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services have no adverse comment on the renewal 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 areas which are predominantly occupied by open storage yards, logistics centre and vehicle repair

workshops, with some of these uses covered by valid planning permissions (**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 1996 to 2021. The current proposal is the same as the last approved scheme under application No. A/HSK/340 in terms of applied use, layout and development parameters. 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 from environmental, traffic, fire safety and drainage aspects. 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' to minimise the potential 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 Four previous applications for various open storage uses were granted for the Site from 1996 to 2021 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 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 applied use 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 2.2.2025 to 1.2.2028**. 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 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 **2.5.2025**;
- (c) 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

- (d) if the above planning condition (b) 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 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 11.12.2024
Appendix Ia	FI received on 23.12.2024
Appendix II	Relevant Extracts 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-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2025**