

RNTPC Paper No. A/YL-HTF/1157
For Consideration by
the Rural and New Town
Planning Committee
on 8.9.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1157

- Applicant** : Mr. 黃新光 represented by Ms. HUI Hang Yu (許幸如)
- Site** : Lots 172, 173 and 174 in D.D.128 and Adjoining Government Land (GL),
Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,475m² (including GL of about 82m² or 3%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-
HTF/12
- Zoning** : “Residential (Group D)” (“R(D)”) *[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]*
- Application** : Temporary Open Storage of Construction Materials for a Period of 3
Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site). The Site falls within an area zoned “R(D)” on the OZP (**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 occupied for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track leading from Kai Pak Ling Road (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, the Site is mainly used for open storage of construction materials with the northeastern portion designated for manoeuvring purpose. One loading/unloading (L/UL) bay for light goods vehicle is provided within the Site. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The layout plan, drainage proposal and fire service installations proposal are at **Drawings A-1 to A-3** respectively.
- 1.3 Majority of the Site is involved in a previous application (No. A/YL-HTF/1122)

for open storage use approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 27.8.2021 (details at paragraph 6 below).

- 1.4 Compared with the previous application, the current application is submitted by the same applicant for the same use at a slightly larger site with largely the same development parameters and layout. A comparison of the major development parameters of the previous application and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-HTF/1122 (a)	Current Application No. A/YL-HTF/1157 (b)	Difference (b) – (a)
Proposed/Applied Use	Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years	Temporary Open Storage of Construction Materials for a Period of 3 Years	No change
Site Area	about 2,398m ²	about 2,475m ² , including GL of about 82m ²	+77m² (+3%)
Parking and L/UL Space	1 L/UL bay for light goods vehicle		No change
Operation Hours	8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays		No change

- 1.5 In support of the application, the applicant submitted the following documents:

- (a) Application Form with attachments received on (**Appendix I**) 19.7.2023
- (b) Supplementary Information (SI) received on (**Appendix Ia**) 24.7.2023

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** respectively. They can be summarised as follows:

- (a) Planning permissions for temporary open storage and warehouse uses were granted in the vicinity of the Site.
- (b) The applied use is compatible with the surrounding environment.

- (c) No adverse traffic and environmental impacts are anticipated.

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

The applicant is not the “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. 31A) by posting site notice and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the GL portion.

4. Background

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

5. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) promulgated on 14.4.2023 is relevant to the application. The Site is located within Category 2 areas under the TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

The Site is involved in a previous application (No. A/YL-HTF/1122) for temporary open storage of construction materials. The application was approved with conditions by the Committee on 27.8.2021 mainly on considerations that the development was not incompatible with the surrounding areas, the application was considered in line with the then TPB PG-No. 13F, concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. However, the planning permission was revoked on 27.2.2023 due to non-compliance with time-limited approval conditions related to the submission and implementation of drainage proposal. Details of the application are summarised at **Appendix III** and the location is shown on **Plan A-1**.

7. Similar Applications

There are six similar applications (No. A/YL-HTF/1111, 1114, 1115, 1118, 1119 and 1124) involving open storage use within the same “R(D)” zone in the past five years. All applications were approved by the Committee in 2021 mainly on considerations similar to paragraph 6 above. Details of the applications are summarised at **Appendix III** and the 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) occupied for the applied use without valid planning permission; and
- (b) accessible via a local track leading from Kai Pak Ling Road.

8.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorized developments subject to planning enforcement action:

- (a) to the north are open storage yards and unused land;
- (b) to the east, northeast and southeast are warehouses (one of which is covered by valid planning permission under application No. A/YL-HTF/1138), a recyclable collection centre covered by valid planning permission under application No. A/YL-HTF/1154, open storage yards and vacant land; and
- (c) to the south and west are open storage yards, a logistics centre and vacant land.

9. Planning Intention

The “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 28.7.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) expressing concerns that the approval conditions of the previous application have not been complied with.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction materials for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the applied

use is not in line with the planning intention of the “R(D)” zone, there is no known development proposal for the Site. Approval of the application on a temporary basis for a period of three years will not frustrate the long-term planning intention of the “R(D)” zone.

- 12.2 The Site is situated in an area predominated by open storage yards, warehouses (one of which is covered by valid planning permission) and vacant land. The applied use is considered not incompatible with the surrounding areas.
- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.4 The applied use is generally in line with TPB PG-No. 13G in that the Site is the subject of a previous application submitted by the same applicant for the same use approved with conditions by the Committee in 2021. The planning permission was subsequently revoked due to non-compliance with approval conditions related to the submission and implementation of drainage proposal. For the current application, the applicant has submitted a drainage proposal and the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application. As such, sympathetic consideration may be given to the application. The applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission, and sympathetic consideration may not be given to any further application.
- 12.5 Other relevant government departments, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services also have no objection to or no adverse comment on the application. The applied use will unlikely create adverse traffic, environmental and fire safety impacts to the surrounding areas. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.6 The Committee has approved six similar applications involving open storage use within the same “R(D)” zone in the past five years. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.7 There was one public comment received during the statutory publication period expressing concerns on the application mainly on grounds summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of construction materials 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 8.9.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no medium or heavy goods vehicle exceeding 5.5 tonnes, as defined under the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;
- (b) the submission of a revised drainage proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.3.2024;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.6.2024;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 20.10.2023;
- (f) the implementation of the accepted fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 8.6.2024;
- (g) if any of the above planning condition (a) 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
- (h) if any of the above planning condition (b), (c), (e) or (f) 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(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such 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 with Attachments received on 19.7.2023
Appendix Ia	SI dated 24.7.2023
Appendix II	Extract of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (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' issued by the Fire Services Department
Appendix VII	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	Fire Service Installations Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plans A-4a and A-4b

Aerial Photo
Site Photos

PLANNING DEPARTMENT
SEPTEMBER 2023