

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-HTF/1167**

- Applicant** : Mr. CHUNG Pak-cheung represented by Metro Planning & Development Company Limited
- Site** : Lots 134 (Part), 159 RP (Part), 161 (Part), 162 (Part), 163 S.B (Part) and 173 (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 7,600m<sup>2</sup> (including GL of about 477m<sup>2</sup> or 6%)
- 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 (BH) of 2 storeys (6m)]*
- Application** : Temporary Open Storage of Metal for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of metal for a period of three years at the application site (the Site) 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 Fung Kong Tsuen Road (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, one single-storey structure with floor area of not more than 40m<sup>2</sup> and BH of not more than 4m for site office use is located at the eastern end of the Site, while the remaining part of the Site is mainly used for open storage of metal. One loading/unloading space for medium goods vehicle is provided within the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. The layout plan,

drainage plan and vehicular access plan are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in a previous application (No. A/YL-HTF/1111) for open storage use approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 12.3.2021 (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 the same site with the same development parameters and layout.
- 1.5 In support of the application, the applicant submitted the following documents:
  - (a) Application Form with attachments received on **(Appendix I)** 1.2.2024
  - (b) Supplementary Information (SI) received on 5.2.2024 **(Appendix Ia)**

## **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) The applied use conforms to 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). The Site is located within Category 2 areas.
- (b) The applied use is not incompatible with the surrounding areas which comprise open storage and port back-up facilities. Planning permissions have been granted for those uses. The planning circumstances pertaining to the Site are similar.
- (c) The drainage and fencing works at the Site proposed under the previous application (No. A/YL-HTF/1111) have been completed.
- (d) No workshop activity is proposed at the Site.
- (e) No adverse traffic, environmental and drainage impacts are anticipated.
- (f) The applied use is temporary in nature and will not jeopardise the long-term planning intention of the Site.

## **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. 31B) 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. 31B are not applicable to the GL portion.

#### **4. Background**

Majority part of the Site is the subject of an active planning enforcement case (No. E/YL-HTF/956) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) was issued on 19.1.2024 requiring the discontinuation of the UD by 19.3.2024. The Site is being closely monitored under established practice.

#### **5. Town Planning Board Guidelines**

The 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/1111) for temporary open storage of metal. The application was approved with conditions by the Committee on 12.3.2021 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 12.8.2023 due to non-compliance with time-limited approval conditions related to the implementation of drainage proposal and provision of boundary fencing. Details of the application are summarised at **Appendix III** and the location is shown on **Plan A-1**.

#### **7. Similar Applications**

There are eight similar applications (No. A/YL-HTF/1114, 1115, 1118, 1119, 1122, 1124, 1157 and 1164) involving open storage use within the same “R(D)” zone in the past five years. All applications were approved by the Committee between 2021 and 2023 mainly on considerations similar to paragraph 6 above. However, four of the planning permissions were subsequently revoked. 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 Fung Kong Tsuen Road.

8.2 The surrounding areas are predominated by open storage yards, warehouses and vacant/unused land. Some of the uses are covered by valid planning permissions while some are suspected UD's subject to planning enforcement action.

**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 9.2.2024, 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 metal 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 implementing the zoned use at 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 and vacant/unused 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 applied use is generally in line with TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental and fire safety perspectives. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.4 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 implementation of drainage proposal and provision of boundary fencing. 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 The Committee has approved eight 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.
- 12.6 There is 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 12.5 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 metal 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 15.3.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no vehicle exceeding 24 tonnes, including heavy goods vehicle and container trailer/tractor, as defined in 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 implementation of the accepted 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 **15.12.2024**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 **26.4.2024**;
- (e) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.9.2024**;
- (f) in relation to (e) above, the implementation of the 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 **15.12.2024**;
- (g) if any of the above planning condition (a) or (c) 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), (d), (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**

<b>Appendix I</b>	Application Form with Attachments received on 1.2.2024
<b>Appendix Ia</b>	SI dated 5.2.2024
<b>Appendix II</b>	Extract of the TPB PG-No.13G
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	'Good Practice for Open Storage Sites' issued by the Fire Services Department
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Drainage Plan
<b>Drawing A-3</b>	Vehicular Access Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2024**