

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1170

- Applicant** : 胡勝橋 (Mr.) represented by 海願規劃發展公司
- Site** : Lot 137 (Part) in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 510m²
- 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) 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 mainly used for open storage of construction materials and machinery 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 and the ingress/egress is at the eastern part of the Site (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, the Site is for open storage use and one loading/unloading space for light goods vehicle is provided. 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 and drainage plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site is involved in a previous application (No. A/YL-HTF/1118) for

temporary open storage of construction materials approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 25.6.2021 (details at paragraph 6 below).

- 1.4 Compared with the previous application, the current application is submitted by a different applicant for the same use at the same site with the same development parameters and a largely similar layout.
- 1.5 In support of the application, the applicant submitted the following documents:
 - (a) Application Form with attachments received on **(Appendix I)** 6.3.2024
 - (b) Further Information (FI) received on 14.3.2024 **(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 and FI at **Appendices I and Ia** respectively. They can be summarised as follows:

- (a) There are similar planning approvals for open storage use in the vicinity of the Site.
- (b) The applied use is not incompatible with the surrounding areas.
- (c) No workshop activity is proposed at the Site and no medium or heavy goods vehicles will be used.
- (d) No adverse traffic and environmental impacts are anticipated.
- (e) 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.

4. Background

Majority of the Site is the subject of an active planning enforcement case (No. E/YL-HTF/957) against unauthorized development (UD) involving storage use (including deposit of containers) (**Plan A-2**). Enforcement Notice (EN) was issued on 5.3.2024 requiring discontinuation of the UD by 5.5.2024. 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/1118) for temporary open storage of construction materials. The application was approved with conditions by the Committee on 25.6.2021 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 25.11.2023 due to non-compliance with a time-limited approval condition related to the implementation of drainage proposal. Details of the application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

There are nine similar applications (No. A/YL-HTF/1111, 1114, 1115, 1119, 1122, 1124, 1157, 1164 and 1167) 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 2024 mainly on similar considerations stated in paragraph 6 above. However, four of the planning permissions were subsequently revoked. Details of the applications are summarised at **Appendix III** 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) mainly used for open storage of construction materials and machinery without valid planning permission; and
- (b) accessible via a local track leading from Kai Pak Ling Road.

8.2 The surrounding areas are predominated by open storage yards,

warehouses/godown, parking of vehicles 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

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 are provided in **Appendices IV and V** respectively.

10.2 The following government department has adverse comments on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises an 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;
- (b) it is noted that no structure is proposed at the Site; and
- (c) LandsD has reservation on the application since there are unauthorized structures on the private lot within the Site and warning letter has been registered in the Land Registry. The lot owner should rectify/regularise the lease breaches as demanded by LandsD.

11. Public Comment Received During the Statutory Publication Period

On 12.3.2024, 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 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 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 located in an area predominated by open storage yards, warehouses/godown, parking of vehicles 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 the 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. With regard to DLO/YL, LandsD’s comments on unauthorized structures within the Site, the applicant/lot owner(s) will be advised to rectify the lease breaches with LandsD should this application be approved.
- 12.4 The Site is the subject of a previous application submitted by a different applicant for the same use approved with conditions by the Committee in 2021. The planning permission was subsequently revoked due to non-compliance with an approval condition related to the 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 The Committee has approved all nine similar applications involving open storage use within the same “R(D)” zone in the past five years. Approval of this application is 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 above 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 19.4.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, 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 submission of a revised drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.10.2024;
- (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 19.1.2025;
- (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 31.5.2024;
- (f) 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 19.10.2024;
- (g) in relation to (f) 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 19.1.2025;
- (h) 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
- (i) if any of the above planning condition (b), (c), (e), (f) or (g) 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 6.3.2024
Appendix Ia	FI received on 14.3.2024
Appendix II	Extract of the 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 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
APRIL 2024**