

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

APPLICATION NO. A/YL-HTF/1176

- Applicant** : 黃新光 (Mr.) represented by 海願規劃發展公司
- Site** : Lots 140 (Part), 141 (Part) and 142 (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 725m² (including GL of about 65m² or 9%)
- 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** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval 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 used for the applied use with valid planning permission under application No. A/YL-HTF/1119 until 9.7.2024 (**Plans A-2 and A-4**).
- 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 used for open storage of construction materials and a 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.

- 1.3 The Site is involved in two previous applications (No. A/YL-HT/137 and A/YL-HTF/1119) for temporary open storage uses, including an application approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 6 below). Compared with the last approved application No. A/YL-HTF/1119, the current application is submitted by the same applicant for the same use at the same site, with the same development parameters and layout.
- 1.4 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments received on **(Appendix I)** 9.4.2024
 - (b) Further Information (FI) received on 16.4.2024 **(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:

- (a) The applicant has complied with all time-limited approval conditions under the previous application No. A/YL-HTF/1119.
- (b) No workshop activity is proposed at the Site and no medium and heavy goods vehicles will be used.
- (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. 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. For the GL portion, the requirements under the TPB PG-No. 31B are not applicable.

4. Background

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

5. **Town Planning Board Guidelines**

- 5.1 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 are 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**.
- 5.2 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**.

6. **Previous Applications**

- 6.1 The Site is involved in two previous applications for temporary open storage uses. Details of the previous applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1**.

Approved Application

- 6.2 Application No. A/YL-HTF/1119 for temporary open storage of construction materials was approved with conditions by the Committee on 9.7.2021 mainly on considerations that the development was not incompatible with the surrounding areas; the application was considered in line with 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. All time-limited approval conditions have been complied with and the permission is valid until 9.7.2024.

Rejected Application

- 6.3 Application No. A/YL-HT/137 covering a larger site for temporary open storage of construction machinery and construction material was rejected by the Committee in 2000 mainly on the grounds of no information in the submission to demonstrate the development would not have adverse traffic, environmental and drainage impacts on the surrounding areas; and setting an undesirable precedent.

7. **Similar Applications**

There are 13 similar applications (No. A/YL-HTF/1111, 1114, 1115, 1118, 1122, 1124, 1157, 1164, 1167, 1170, 1172, 1174 and 1175) involving various temporary open storage uses within the same “R(D)” zone in the past five years. All applications were approved with conditions by the Committee between 2021 and 2024 mainly on considerations similar to those mentioned in paragraph 6.2 above. Details of the applications are summarised in **Appendix IV** and their locations are shown on **Plan A-**

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

8.1 The Site is:

- (a) currently used for the applied use with 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 unauthorized developments 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 V and VI** 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) LandsD has reservation on the planning application since there are unauthorized structures on Lot 140 in D.D. 128 and warning letter has been registered in the Land Registry. The lot owner should rectify/regularise the lease breaches as demanded by LandsD;
- (b) the Site comprises GL and Old Schedule Agricultural Lots 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) no permission is given for the occupation of GL (about 65m²) included

within the Site. Any occupation of GL without the Government's prior approval is not allowed. The applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. The application will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD; and

- (d) it is noted that no structure is proposed within the Site.

11. Public Comment Received During the Statutory Publication Period

On 16.4.2024, 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 on the compliance of approval conditions under the previous application.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval 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, with some of the uses covered by valid planning permissions. 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, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage 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 on Lot 140 and the occupation of GL, the applicant/lot owner will be advised to rectify the irregularities with LandsD should this renewal application be approved.
- 12.4 The application is also generally in line with the TPB PG-No. 34D, in that there

has been no major change in planning circumstances since the granting of the previous approval under application No. A/YL-HTF/1119; adverse planning implications arising from the renewal of the planning approval are not envisaged; all time-limited approval conditions under the previous approval have been complied with; and the three-year approval period sought is of the same timeframe as the previous approval and is considered reasonable.

- 12.5 The Committee has approved a previous application at the Site in 2021 and 13 similar applications involving various open storage uses 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 Regarding the public comment expressing concerns on the application, 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 construction materials 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 10.7.2024 to 9.7.2027**. 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 existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 **10.10.2024**;
- (d) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (e) if any of the above planning condition (a), (b) 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

- (f) if the above planning condition (c) 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.

[Approval condition (a) is largely the same as the previous application No. A/YL-HTF/1119. Approval conditions on submission and implementation of drainage and fire service installations proposals and maintenance of those facilities have been deleted/revised as per the departments' latest requirements. Restrictions on operation hours and specific activities, as well as provision of boundary fencing, have been removed as per the latest practice.]

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 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
9.4.2024

Appendix Ia

FI received on 16.4.2024

Appendix II	Extract of the TPB PG-No. 13G
Appendix III	Extract of the TPB PG-No. 34D
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**