

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

**APPLICATION NO. A/YL-PS/680**

- Applicant** : Full Ease Development Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 202 RP (Part), 203 (Part), 204 (Part), 205 (Part), 206 (Part), 207 (Part), 209 (Part) and 214 (Part) in D.D. 126 and Adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 8,916.1m<sup>2</sup> (including GL of about 48m<sup>2</sup> or 0.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zonings** : “Residential (Group A)6” (“R(A)6”) (about 95.3%)  
*[Restricted to a maximum plot ratio of 6.7 and a maximum building height of 160mPD]*
- “Recreation” (“REC”) (about 4.7%)<sup>1</sup>
- 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). The Site falls within an area largely zoned “R(A)6” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building 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 with valid planning permission under application No. A/YL-PS/603 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track from Tin Wah Road and Tin Tsz Road (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, the Site is for open storage use and is bisected into two portions by a barrier-free footpath. Two parking

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<sup>1</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

spaces and two loading/unloading bays for light goods vehicles are provided. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there is no operation on Sundays and public holidays. The layout plan and delivery route plan are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is involved in twelve previous applications for open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board from 1997 to 2020 (**Plan A-1b**) (details at paragraph 6 below). Compared with the last application (No. A/YL-PS/603), the current application is submitted by a different 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 has submitted the following documents:
  - (a) Application Form with attachments received on 23.3.2023 (**Appendix I**)
  - (b) Planning Statement (**Appendix Ia**)

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The Site is subject to multiple previous planning approvals for similar or the same uses as the applied use since 1994.
- (b) The Site falls within Category 2 areas of the Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Uses (TPB PG-No. 13F)<sup>2</sup>. Given all approval conditions as laid down in previous approvals have been duly complied with, the current application is considered not contradictory to TPB PG-No. 13F.
- (c) The application is in line with 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). There would be no change in the proposed development parameters and the nature/operation of the applied use. There are no substantial changes in planning circumstances. No adverse planning implications by allowing the current application are anticipated.
- (d) No adverse infrastructural nor environmental impacts are anticipated since there will be no changes in terms of nature of the applied use, operation hours, number of trips involved and the existing drainage provision and landscape provision would be properly maintained at all times.
- (e) Temporary nature of the applied use would not jeopardise the long-term planning intentions of the “R(A)6” and “REC” zones.

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

The applicant is one of the “current land owners” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s

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<sup>2</sup> TPB PG-No. 13G was promulgated by the Board on 14.4.2023

Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending registered notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPG PG-No. 31A are not applicable to the GL portion.

#### **4. Town Planning Board Guidelines**

- 4.1 TPB PG-No. 13G promulgated on 14.4.2023 are relevant to the application. The Site falls within Category 2 areas under the Guidelines. The relevant extract of the Guidelines is at **Appendix II**.
- 4.2 TPB PG-No. 34D are relevant to the application. The relevant assessment criteria are at **Appendix III**.

#### **5. Background**

- 5.1 The subject “R(A)6” zone was rezoned from “REC” zone on the draft Ping Shan OZP No. S/YL-PS/19 gazetted on 7.5.2021.
- 5.2 The Site is currently not subject to any planning enforcement action.

#### **6. Previous Applications**

- 6.1 The Site is involved in twelve previous applications for temporary open storage uses since the publication of the draft Ping Shan OZP No. S/YL-PS/1 in 1996, which all were approved by the Committee. Details of these previous applications are summarised in **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 The twelve applications (No. A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 346, 446, 538 and 603) were approved with conditions each for a period of twelve months or three years by the Committee from 1997 to 2020 mainly on considerations including previous approvals for similar or same uses were given and approval conditions of the previous applications were complied with, temporary approval would not jeopardise the long-term planning intention, the development would unlikely have significant adverse traffic and environmental impacts and concerned departments had no objection to the applications. However, the planning permissions under applications No. A/YL-PS/76 and 106 were revoked in 2001 and 2002 respectively due to non-compliance with approval conditions.
- 6.3 The last application No. A/YL-PS/603 was approved with conditions by the Committee on 29.5.2020 for a period of three years when the Site was zoned “REC” under the previous OZP. All the time-limited conditions have been complied with and the planning permission is valid until 3.6.2023.

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

- 7.1 There were seven similar applications (No. A/YL-PS/579, 612, 616, 619, 647, 653 and 669) for various open storage uses within/partly within the same “R(A)6” zone

in the past five years. Details of these applications are summarized at **Appendix IV** and the locations of these application sites are shown on **Plan A-1a**.

- 7.2 The applications were approved with conditions by the Committee between 2019 and 2023 mainly on the considerations that the development was not incompatible with the surrounding uses, concerned departments had no adverse comment, approval conditions could be imposed to address departmental concerns, approvals for similar uses were given and approval conditions of the previous applications were complied with. However, the planning permissions under applications No. A/YL-PS/619 and 647 were revoked due to non-compliance with approval conditions.

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

- 8.1 The Site is:

- (a) occupied for the applied use with valid planning permission; and
- (b) accessible via a local track from Tin Wah Road and Tin Tsz Road (**Plans A-2 and A-3**).

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

- (a) to its north and northwest are open storage yards (some of which are covered by valid planning permission under applications No. A/YL-PS/602, 612, 653 and 669), unused land, a residential dwelling and an area used for parking;
- (b) to its east and southeast are unused land;
- (c) to its south are unused land, residential dwellings, an open storage yard and a warehouse; and
- (d) to its west are an open storage yard covered by valid planning permission under application No. A/YL-PS/616, an area used for parking and vacant land.

## **9. Planning Intention**

The “R(A)” zone is intended primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

## **10. Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraph 10.2 below, other departments consulted have no objection to/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 departments have comments on the application:

### **Long-term Development**

#### 10.2.1 Comments of the Chief Engineer/Housing Projects 3, Civil Engineering and Development Department (CE/HP3, CEDD);

- (a) majority of the Site falls within the development area of the proposed public housing development near Tin Tsz Road. Some milestone dates of the public housing development as shown below:

<b>Key Activity</b>	<b>Milestone Date</b>
Completion of Land Resumption/Land Clearance	Q2 2026
Commencement of Construction Phase	Q3 2026
Completion of Public Housing Construction	Q4 2033

- (b) in order to meet the above-mentioned milestone dates, the land resumption/land clearance process to facilitate the commencement of construction phase would need to commence in Q1 2025. Meanwhile, as the concerned housing project programme may possibly be advanced to meet the acute housing needs, it is recommended that the planning permission for the Site should not be granted beyond end 2024.

#### 10.2.2 Comments of the Director of Housing (D of Housing):

- (a) the Site is within the proposed public housing development at Tin Tsz Road, Yuen Long; and
- (b) provided that the application will not have any adverse implication on CEDD's implementation programme on the site formation and infrastructure works to facilitate the public housing development, she has no objection to the application.

### **11. Public Comment Received During Statutory Publication Period**

On 31.3.2023, 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 construction materials for a period of three years at the Site zoned "R(A)6" on the OZP. The "R(A)" zone is intended primarily for high-density residential developments. The Site falls within the development area of the proposed public housing development near Tin Tsz Road. D of Housing has no objection to the application provided that the application will not have any adverse implication on CEDD's implementation programme on the site formation and infrastructure works to facilitate the public housing development. While CE/HP3 of CEDD recommends that the planning permission at the Site should not exceed end 2024 to facilitate land resumption/land clearance in Q1 2025, 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 implementation of government projects. As such, approval of the temporary use under application is not expected to affect the implementation of the public housing development nor frustrate the long-term planning intention of the area.

- 12.2 The Site is situated in an area of miscellaneous rural fringe landscape character predominated by open storage yards (some of which are covered by valid planning permissions), temporary structures and unused land/woodland (**Plans A-2 and A-3**). 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 application is considered generally in line with the TPB PG-No. 13G in that approvals for open storage uses at the Site have previously been granted and all the time-limited approval conditions under the last application (No. A/YL-PS/603) for the same use at the same site have been complied with. The applied use would not generate adverse impacts and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.

- 12.5 The application is also generally in line with TPB PG-No. 34D, in that there is no major change in planning circumstances. While the Site has been rezoned from “REC” to “R(A)6” in May 2021 after the granting of the previous approval under application No. A/YL-PS/603, during the consideration of the previous application (No. A/YL-PS/603), the Committee was aware that the Site was included in the feasibility study for public housing development. All approval conditions under the previous approval have been complied with. There is no adverse departmental comment in the renewal application and the three-year approval period sought is of the same timeframe as the previous approval and is considered reasonable.

- 12.6 Relevant government departments including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design & Landscape of Planning Department have no objection to or no adverse comment on the application. The applied use will unlikely create adverse traffic, environmental, drainage, fire safety and landscape impacts on the surrounding area. To address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.

- 12.7 The Committee has previously approved twelve applications covering the Site for temporary open storage uses since 1997 mainly on considerations that previous approvals for similar or same uses were given and approval conditions of the previous applications were complied with, temporary approval would not jeopardise the long-term planning intention, the development would unlikely have significant adverse traffic and environmental impacts and concerned departments

had no objection to the applications. Within the same “R(A)6” zone, there are seven approved applications for various open storage uses for similar reasons. Approval of the application is in line with the previous decisions of the Committee.

- 12.8 There is no public comment received on the application during the statutory public inspection period.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 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 4.6.2023 to 3.6.2026. 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 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 **4.9.2023**;
- (c) the provision of fire extinguisher(s) within **6 weeks** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **16.7.2023**;
- (d) the submission of a fire service installations proposal within **6 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.12.2023**;
- (e) in relation to (d) above, the implementation of the fire service installations proposal within **9 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.3.2024**;
- (f) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (b), (c), (d) or (e) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

*[Approval conditions (a), (b), (c), (d) and (e) are the same as those under the permission for application No. A/YL-PS/603; restrictions on operation hours, specific activities, vehicle types and delivery route, as well as requirements on maintenance of existing trees and fencing, have been removed as per the*

*department's latest requirements; and restriction on queuing and reverse movement of vehicles, as well as provision of waterworks reserve are now stipulated as advisory clauses according to latest comments from the Commissioner for Transport and Chief Engineer/Construction, Water Supplies Department.]*

#### 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(A)6" zone, which is primarily for high-density residential developments. No strong planning justification has been given in the submission for a departure from the 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 23.3.2023
<b>Appendix Ia</b>	Planning Statement
<b>Appendix II</b>	Relevant Extract of TPB PG-No.13G
<b>Appendix III</b>	Relevant Extract of TPB PG-No.34D
<b>Appendix IV</b>	Previous and Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Advisory Clauses
<b>Appendix VII</b>	'Good Practice for Open Storage Sites' issued by the Fire Services Department
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Delivery Route Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos



**PLANNING DEPARTMENT  
MAY 2023**