

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/685

- Applicant** : Mr. TANG Chi Kong represented by Lawson David & Sung Surveyors Limited
- Site** : Lot 226 (Part) in D.D. 126 and Adjoining Government Land (GL), Fung Ka Wai, Ping Shan, Yuen Long, New Territories
- Site Area** : About 3,369m² (including GL of about 210m² or 6%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Recreation” (“REC”)
- Application** : Temporary Open Storage of Construction Materials (Metal) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials (metal) for a period of three years at the application site (the Site). The Site falls within an area zoned “REC” on the OZP (**Plan A-1a**). 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 from Tin Wah Road and Tin Tsz Road (**Plans A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, three temporary structures with a total floor area of about 60m² and a building height of 1 to 2 storeys (2.5 to 5m) for ancillary site office use are located along the eastern and southern peripheries of the Site respectively. The remaining uncovered part of the Site is for open storage use. Two parking spaces for private cars and two loading/unloading (L/UL) spaces for medium 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, landscape and tree preservation proposal and vehicular access plan are shown at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of eleven previous applications for open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1997 and 2020 (details at paragraph 6 below).
- 1.4 Compared with the last approved application (No. A/YL-PS/602), the current application is submitted by the same applicant for the same use with a slightly reduced site area, different layout and development parameters. A comparison of the major development parameters of the last application and the current application are as follows:

Major Development Parameters	Previously approved Application No. A/YL-PS/602 (a)	Current Application No. A/YL-PS/685 (b)	Difference (b) – (a)
Applied Use	Temporary Open Storage of Construction Materials (Metal) for a Period of 3 Years		No change
Site Area	about 3,597m ² , including GL of about 210m ²	about 3,369m ² , including GL of about 210m ²	-228m² (-6.3%)
Total Floor Area	about 366m ²	about 60m ²	-306m² (-83.6%)
No. of Structures	2 (1 for site office and 1 for open-sided shelter for storage)	3 (3 for site offices)	+1 structure
Height of Structures	1 storey (2.4-6m)	1 to 2 storeys (2.5-5m)	+1 storey; -1m in maximum height
Parking and L/UL Spaces	2 parking spaces for private cars 2 L/UL spaces for medium goods vehicles		No change
Operation Hours	9:00 a.m. to 6:00 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 has submitted the following documents:

- (a) Application Form with attachment received on 5.5.2023 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Supplementary Information (SI) received on 9.5.2023 **(Appendix Ib)**

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 will provide a temporary solution to meet the pressing market demand for open storage facilities in the Northwest New Territories.
- (b) Temporary nature of the applied use will not jeopardise the long-term planning intention of the “REC” zone nor hinder the future public housing development within the adjacent “Residential (Group A)6” zone.
- (c) The Site is involved in a number of approved applications for open storage uses. All the approval conditions under the last application No. A/YL-PS/602 for the same use have been complied with.
- (d) 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. 13G). Given that previous approvals for open storage uses have been granted for the Site, the applicant has demonstrated efforts in complying with the approval conditions and the applied use and operation are same as the last application, the current application is considered in line with TPB PG-No. 13G.
- (e) The applied use is compatible with the surrounding areas which consist of approved open storage uses.
- (f) No adverse traffic, drainage 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 notice at the Site and sending registered post 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

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under the Guidelines. The relevant extract of the Guidelines is at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site has been involved in eleven previous applications for temporary open storage uses since the publication of the draft Ping Shan OZP No. S/YL-PS/1 in 1996, all of which were approved by the Committee. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 All the eleven applications (No. A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 436, 537 and 602) were approved with conditions by the Committee from 1997 to 2020 mainly on considerations including the applied use was not incompatible with the surrounding uses, the application was considered in line with the then TPB PG-No. 13C/D/E/F, concerned departments had no adverse comment and approval conditions could be imposed to address departmental concerns, previous approvals for similar or same uses were given and/or approval conditions of the previous applications were complied with. 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/602 was approved with conditions by the Committee on 29.5.2020 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 29.5.2023.

7. Similar Applications

There are three similar applications (No. A/YL-PS/579, 612 and 653) for open storage uses within/partly within the same “REC” zone in the past five years. The applications were approved with conditions by the Committee between 2019 and 2022 mainly on similar considerations as mentioned in paragraph 6.2 above. Details of these applications are summarised at **Appendix III** and the locations of these application sites are shown on **Plan A-1a**.

8. The Site and Its Surrounding Areas (Plans A-1a 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 Tin Wah Road and Tin Tsz 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 its north and northwest are vacant/unused land, an area used for parking of vehicles and an open storage yard;
 - (b) to its east and south are unused land and a permitted burial ground; and
 - (c) to its west and southwest is an open storage yard covered by valid planning permission under application No. A/YL-PS/612.

9. Planning Intention

The “REC” zone is intended primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

10. Comments from Relevant Government Departments

All 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 IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 12.5.2023, 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 temporary open storage of construction materials (metal) for a period of three years at the Site zoned “REC” on the OZP. Whilst the applied use is not in line with the planning intention of the “REC” 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 “REC” zone.

12.2 The Site is situated in an area of miscellaneous urban fringe landscape character predominated by open storage yards, temporary structures and unused land/woodland. 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/602) for the same use at largely the same site have been complied with. The applied use would unlikely generate adverse impacts and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.

12.5 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 and 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 surroundings. To

address the technical requirements of concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below.

- 12.6 The Committee has previously approved eleven applications covering the Site for temporary open storage uses since 1997 mainly on considerations as stated in paragraph 6.2. Within the same “REC” zone, there are three approved similar applications for open storage uses on similar considerations. Approval of the application is in line with the previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary open storage of construction materials (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 **23.6.2026**. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.9.2023**;
- (c) 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 **4.8.2023**;
- (d) the submission of a proposal for fire service installations and water supplies for firefighting within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.12.2023**;
- (e) in relation to (d) above, the implementation of the proposal for fire service installations and water supplies for firefighting within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.3.2024**;
- (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.

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 "REC" zone, which is primarily for recreational developments for the use of the general public. 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

Appendix I	Application form with Attachment received on 5.5.2023
Appendix Ia	Planning Statement
Appendix Ib	SI received on 9.5.2023
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Drawing A-1	Layout Plan
Drawing A-2	Landscape and Tree Preservation Proposal
Drawing A-3	Vehicular Access Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2023**