

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

APPLICATION NO. A/YL-PS/695

- Applicant** : Real River Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 206(Part), 207(Part), 214(Part), 217(Part), 218(Part), 219, 220(Part), 221(Part), 224(Part), 226(Part), 227(Part), 228, 229, 230, 231(Part), 236(Part), 237(Part), 238(Part), 239(Part) and 240(Part) in D.D 126 and adjoining Government land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 17,994.8 m² (including GL of about 218.9 m² or 1.2%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Residential (Group A) 6” (“R(A)6”) (About 56.5%)
[*Restricted to a maximum plot ratio of 6.7 and a maximum building height of 160mPD*]

“Recreation” (“REC”) (About 43.5%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment 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 and construction equipment at the application site (the Site) for a period of three years (**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 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/612.
- 1.2 According to the applicant, the Site is accessible via an existing local track leading to Tin Wah Road (**Drawing A-2, Plans A-2 and A-3**). The application site is currently hard-paved and being utilised for the applied use. No vehicles exceeding 24 tonnes, as defined under the Road Traffic Ordinance, are allowed to access the Site. The proposed layout plan and delivery route

plan are shown at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is involved in 14 previous applications for temporary open storage of new vehicles or construction materials (**Plan A-1b**) including 13 applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1994 and 2020 (details in paragraph 6.1 below).
- 1.4 Compared with the last application No. A/YL-PS/612 for the same use approved by the Committee in 2020, the current application is submitted by the same applicant covering the same site with changes in development parameters. The major development parameters of the current application and application No. A/YL-PS/612 are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-PS/612 (a)	Current Application No. A/YL-PS/695 (b)	Difference (b) – (a)
Development/Use	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Construction Equipment for a Period of 3 Years		No change
Site Area	17,994.8 m ² (about) (including 218.9 m ² of GL)		No change
Total Floor Area	118 m ²	32.6 m ²	-85.4m ²
No. of Structures	9 (including 6 converted containers) (for guard room, shelter as general storage and general storage of small construction tools)	3 (for guard room, shelter as general storage and general storage of small construction tools)	-6
No. of Medium Goods Vehicle Parking Spaces	2		No change
No. of Medium Goods Vehicle Loading / Unloading Spaces	2		No change
Operation Hours	(a) 9:30 a.m to 6:30 p.m from Mondays to Saturdays (b) 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 and supplementary statement received on 3.8.2023 (Appendix I)
- (b) Further Information received on 15.9.2023 (Appendix Ia)
[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 at **Appendix I**. They can be summarised as follows:

- (a) The Site is subject to 13 previous planning approvals for similar or the same uses as the applied use.
- (b) The Site falls within the ‘Category 2 Areas’ of the Town Planning Board Guidelines for Applications for Open Storage and Port Back-up Uses (TPB PG-No. 13G). Based upon the previous planning approvals given for the applied use and that all approval conditions as laid down in previous applications have been duly complied with, the current application is considered not contradictory to the TPB PG-No. 13G.
- (c) The application is in line with Town Planning Board Guideline No. 34D. There would be no change in the proposed development parameters and the nature/operation of the applied use.
- (d) There are no substantial changes in planning circumstances and the applicant has demonstrated his full compliance of approval conditions of the last approved application.
- (e) No adverse infrastructural nor environmental impacts are anticipated since there will be no changes in terms of nature of the proposed use and the number of trips involved and the existing drainage provision and landscape provision would be properly maintained at all times.
- (f) Temporary nature of the applied use would not jeopardise the long-term planning intention of the “R(A)6” and “REC” zone.

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

The applicant is not a “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 on newspaper and sending registered notice to the Ping Shan Rural Committee. For the GL portion, TPB PG-No. 31A is not

applicable. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

- 4.1 The Site forms part of a larger site which was rezoned from "REC" to "R(A)6" on the draft Ping Shan OZP No. S/YL-PS/19 published in May 2021 to facilitate the planned public housing development to the east of Tin Tsz Road which are scheduled for completion by 2033. The draft OZP incorporated the proposed amendment was approved by the Chief Executive in Council on 13.9.2022 and the approved OZP No. S/YL-PS/20 was exhibited on 23.9.2022.
- 4.2 The Site is not subject to any planning enforcement action.

5. Town Planning Board Guidelines

- 5.1 TPB PG-No. 13G is relevant to the application. The Site falls within Category 2 areas under the revised Guidelines. 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) is also relevant to the application. The relevant assessment criteria are attached at **Appendix III**.

6. Previous Applications

- 6.1 The Site is involved in 14 previous applications for temporary open storage of new vehicles or construction materials uses. 13 applications (Applications No. A/DPA/YL-PS/30, A/YL-PS/14, 40, 76, 106, 122, 167, 255, 311, 352, 457, 545 and 612) were approved by the Committee from 1994 to 2020 while one application No. A/DPA/YL-PS/3 was rejected by the Board upon review on 13.5.1994. Details of these previous applications are in **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 Application No. A/DPA/YL-PS/3 covering a larger site for open storage of new vehicles was rejected by the Board on review on 13.5.1994 mainly on grounds of not in line with planning intention; not compatible with surrounding land uses; failure to adequately address the drainage, visual and noise impacts; incomplete information on the existing access road and failure to demonstrate that the number of vehicles received/dispatched in future would be maintained at the present level.
- 6.3 Application No. A/DPA/YL-PS/30 covering the same site as A/DPA/YL-PS/3 for temporary open storage of new vehicles was approved with conditions by the Committee on 21.10.1994 for a period of three years on the considerations that there was no immediate alternative site available for open storage of new

vehicles; ameliorative measures would be carried out to minimise adverse environmental impacts and the temporary use would not jeopardise the long-term planning intention of the area.

- 6.4 Nine applications (No. A/YL-PS/14, 40, 76, 106, 122, 167, 255 and 311) covering more or less the same site as A/DPA/YL-PS/30 for temporary open storage of new vehicles for a period of 12 months or three years had subsequently been approved with conditions by the Committee on the considerations that the approvals for similar or same uses were given and approval conditions of the previous applications were complied with; the temporary use would not frustrate permanent development of the application sites; the development would unlikely have significant adverse traffic and environmental impacts and relevant departments had no objection to the application. However, planning permission of applications No. A/YL-PS/76 and 106 were revoked due to non-compliance with approval conditions requiring the implementation of drainage proposal and/or the night-time operation at the application sites.
- 6.5 The remaining four applications (No. A/YL-PS/352, 457, 545 and 612) covering the same site as the current application by the same applicant for the same use for temporary open storage of construction materials and construction equipment for a period of three years were approved by the Committee between 2011 and 2020 on the grounds that temporary use would not frustrate the long term planning intention of the then “REC” zone; the applied use was generally in line with the then TPB PG-No. 13E and 13F; the applied use was not incompatible with the adjoining use; and technical concerns could be addressed by implementation of approval conditions. For the latest application No. A/YL-PS/612 which was approved on 9.10.2020, all the approval conditions were complied with and the planning permission is valid until 17.10.2023. Part of the Site was subsequently rezoned from “REC” to “R(A)6” in May 2021 to facilitate the planned public housing development to the east of Tin Tsz Road.

7. Similar Applications

Within the same “R(A)6” and “REC” zones, there are ten similar applications (Applications No. A/YL-PS/579, 602, 603, 616, 619, 647, 653, 669, 680 and 685) for temporary open storage uses for a period of three years in the past five years approved by the Committee on the considerations that long-term planning intention of the “R(A)6” and “REC” zones would not be frustrated; the development was not incompatible with the surrounding uses, concerned departments had no adverse comment; approval conditions could be imposed to address departmental concerns. However, the planning permissions of applications No. A/YL-PS/619 and 647 were revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix V** 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) currently used as temporary open storage of construction materials with valid planning permission under Application No. A/YL-PS/612 ; and
- (b) accessible via a local track leading to Tin Wah Road (**Plan A-2**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to its immediate east is unused land;
- (b) to its south is fallow/cultivated agricultural land and open storage yard of construction material with valid planning permission under Application No. A/YL-PS/680;
- (c) to its immediate west are open storage yards with valid planning permission under Application No. A/YL-PS/669 and residential structures; to its further west are storage yards which are suspected unauthorized development (UD); and
- (d) to its north is the residential dwellings of Fung Ka Wai; to its northeast are open yards for storage of vehicles with valid planning permission under Application No. A/YL-PS/653.

9. Planning Intention

9.1 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.

9.2 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

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 VI and VII** 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 are shown below:

Key Activity	Milestone Date
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 of the planning application encroaches upon the site for the proposed public housing development at Tin Tsz Road, Yuen Long which is currently under CEDD's ongoing Investigation, Design and Construction Study. CEDD will carry out site formation and infrastructure works to facilitate the public housing development.
- (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, HD will have no objection to the application.

10.3 The following government department does not support the application:

Environment

10.3.1 Comments of the Director of Environmental Protection (DEP):

- (a) DEP does not support the application as the application

involves the use of medium goods vehicle and there are sensitive receivers of residential use in the vicinity (with the nearest one situated about 31 m to its west) (**Plan A-2**), thus environmental nuisance is expected.

- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- (c) There is no substantiated complaint pertaining to the Site received in the past three years.

11. Public Comments Received During the Statutory Publication Period

On 11.8.2023, the application was published for public inspection. During the statutory public inspection period, nine public comments from individuals were received (**Appendices VII-1 and VII-2**), eight of them support the application while one individual commenter has concerns on the limited public access to information on the compliance of planning conditions at the Site.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary open storage of construction materials and construction equipment for a period of three years at the Site zoned “R(A)6” and “REC” on the OZP. The Site falls within the development area of the proposed public housing development near Tin Tsz Road. In this regard, 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 would not affect the implementation of the planned public housing development at the Site 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 in line with the TPB PG-No. 13G in that the Site is the subject of a previous approved planning application No. A/YL-PS/612 and all the approval conditions 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 generally in line with TPB PG-No. 34D in that there is no material change in planning circumstances except part of 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/612; all approval conditions under the previous approval have been complied with; and the three-year approval period sought is the same as the previous approval which is considered reasonable.
- 12.6 The applied use would not cause significant adverse traffic, drainage and landscape impacts on the surrounding areas. Relevant Government departments including the Commissioner for Transport, 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. While DEP does not support the application as there are sensitive receivers in the vicinity of the Site with the nearest one located 31m to the west of the Site (**Plan A-2**) and environmental nuisance is expected, there is no substantial complaint pertaining to the Site in the past three years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action. Besides, should the application be approved, the applicant will be advised to follow the ‘Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental impacts on the adjacent areas.
- 12.7 The Committee has approved 13 previous applications for same or similar temporary open storage uses covering the Site and ten similar applications have also been approved in the same “R(A)6” and “REC” zone in the past five years. Approval of the application is in line with the previous decisions of the Committee.

- 12.8 There are nine public comments received on the application (**Appendices IX-1 and IX-2**) with one comment raises concern on the application on the grounds as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 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 comments 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 18.10.2023 to 17.10.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no cutting, dismantling or other workshop activity is allowed on the Site at all times during the planning approval period;
- (d) only medium goods vehicles not exceeding 24 tonnes, as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;
- (e) the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (f) the submission of 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 **18.1.2024**;
- (g) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within **6 weeks** from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **29.11.2023**;
- (h) the submission of 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 **18.4.2024**;

- (i) in relation to (h) above, the implementation of 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 **18.7.2024**;
- (j) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (k) if any of the above planning condition (f), (g), (h) or (i) 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 conditions are the same as those under the permission for Application No. A/YL-PS/612 except requirement for maintenance of boundary fencing have been removed as per the departments' latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix VII**.

- 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 intentions of the "R(A)6" and "REC" zones, which are primarily for high-density residential developments and recreational developments for the use of the general public respectively. 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 received on 3.8.2023
Appendix Ia	FI received on 15.9.2023
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Relevant Extract of TPB PG-No.34D
Appendix IV	Previous Applications covering the Site
Appendix V	Similar Applications
Appendix VI	Government Departments' General Comments
Appendix VII	Advisory Clauses
Appendix VIII	'Good Practice Guidelines for Open Storage Sites' issued by the Fire Services Department
Appendices IX-1 to IX-9	Public Comments
Drawing A-1	Delivery Route Plan
Drawing A-2	Layout 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 A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**