

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

**APPLICATION NO. A/YL-PS/697**

- Applicant** : Real River Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 114 (Part), 115 RP (Part) and 203 (Part) in D.D. 126, Ping Shan, Yuen Long, New Territories
- Site Area** : About 7,970 m<sup>2</sup>
- 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 75%)  
[*Restricted to a maximum plot ratio of 6.7 and a maximum building height of 160mPD*]  
  
“Government, Institution or Community” (“G/IC”) (About 25%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of building materials and machinery 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/616.
- 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 whole site would be used for open storage of building materials and machinery. No vehicles exceeding 24 tonnes, as defined under the Road Traffic Ordinance, are allowed to access the Site. The proposed vehicular access plan and layout plan are shown at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is involved in eight previous applications for various temporary open storage (**Plan A-1b**) which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2003 and 2020 (details in paragraph 6.1 below).
- 1.4 Compared with the last application (No. A/YL-PS/616), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Major Development Parameters	Current Application No. A/YL-PS/697
Site Area	7,970 m <sup>2</sup> (about)
Total Floor Area	18.6 m <sup>2</sup>
No. and Height of Structures	2 (for ancillary guardroom and ancillary office) (2.2-2.6m, 1 storey)
No. of Medium Goods Vehicle Loading / Unloading Spaces	1
Operation Hours	(a) 7:00 a.m to 7:00 p.m from Mondays to Saturdays (b) No operation on Sundays and Public Holidays

- 1.5 In support of the application, the applicant has submitted an Application Form with attachments received on 31.8.2023 (**Appendix I**).

## **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 five previous planning approvals for the same use as the applied use under the current application.
- (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). Given previous planning approvals were granted 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 TPB PG-No. 13G.
- (c) The application is in line with Town Planning Board Guidelines No. 34D. There would be no change in the development parameters and the nature/operation of the applied use.

- (d) 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 and landscape provisions would be properly maintained at all times.
- (e) Temporary nature of the applied use would not jeopardise the long-term planning intention of the “R(A)6” and “G/IC” 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. 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 “Recreation” (“REC”) to “R(A)6” and “G/IC” on the draft Ping Shan OZP No. S/YL-PS/19 published in May 2021 to facilitate the proposed public housing development to the east of Tin Tsz Road which is 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 11 previous applications for temporary parking uses and temporary open storage of vehicles or building materials and machinery. Nine applications (No. A/YL-PS/24, 132, 163, 205, 287, 360, 461, 548 and

616) were approved by the Committee or the Board upon review from 1998 to 2020 while two applications (No. A/YL-PS/11 and 93) were rejected by the Committee in 1997 and 2001 respectively. Details of these previous applications are in **Appendix IV** and their locations are shown on **Plan A-1b**.

#### Approved Applications

- 6.2 Application No. A/YL-PS/24 for temporary car park for private cars, light goods vehicles, heavy goods vehicles, motor cycles and container trailers was approved by the Board on review with conditions for a period of 12 months in 1998. The considerations are not relevant to the current application which is for a different use.
- 6.3 Three applications (No. A/YL-PS/132, 163 and 205) for temporary open storage of new and unlicensed vehicles were approved by the Committee with conditions for a period of three years each between 2003 and 2005 mainly on the considerations that temporary use would not frustrate the implementation of the long-term planning intention of the then “REC” zone; the development was not incompatible with the surrounding uses; there were no adverse departmental comment; similar temporary uses within the same “REC” zone had been approved before; and the application was in line with the then TPB PG-No. 13C. The planning permissions of applications No. A/YL-PS/132 and 163 were subsequently revoked due to non-compliance with approval conditions on submission of drainage proposal and provision of fencing and paving.
- 6.4 The remaining five applications (No. A/YL-PS/287, 360, 461, 548 and 616) covering the same site as the current application for temporary open storage of building materials and machineries were approved by the Committee with conditions for a period of three years each between 2008 and 2020 on similar considerations as mentioned in paragraph 6.3 above. For the latest application No. A/YL-PS/616 which was approved on 6.11.2020, all the approval conditions were complied with and the planning permission is valid until 16.12.2023.

#### Rejected Applications

- 6.5 Applications No. A/YL-PS/11 and 93 for temporary public car park the subject “REC” zone was rejected by the Committee in 1997 and 2001 respectively. The considerations are not relevant to the current application which is for a different use.

### **7. Similar Applications**

Within the same “R(A)6” and “G/IC” zones, there are five similar applications (No. A/YL-PS/647, 653, 669, 680 and 695) for temporary open storage/and warehouse 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” zone would not be frustrated; the development was not incompatible with the surrounding uses;

concerned departments had no adverse comment; and approval conditions could be imposed to address departmental concerns. 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) hard paved and fenced-off, and currently used for the applied use with valid planning permission under Application No. A/YL-PS/616 ;
- (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 an open storage yard for construction materials covered by valid planning permission under Application No. A/YL-PS/680;
- (b) to its south are vacant land, ponds and parking of vehicles which is a suspected unauthorized development (UD). To its further south across Ha Mei San Tsuen Road are village settlements of Ha Mei San Tsuen;
- (c) to its west are a pumping station and a pond; and
- (d) to its immediate north and northeast are an open storage yard for vehicles which is covered by valid permission under Application No. A/YL-PS/653, other open storage yards for marble, construction materials and construction machinery and parking of vehicles are suspected UD's and a residential structure (about 25m away).

## **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 “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

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

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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:

<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 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) He 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 25 m to its northeast) (**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 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 8.9.2023, the application was published for public inspection. During the statutory public inspection period, a total of 24 public comments (extracted samples at **Appendices VIII-1 to VIII-5**) from individuals were received and all of them support the application on the grounds that the application is temporary in nature, the applied use is compatible with surroundings and utilizes land resources and the applicant stated that no adverse environmental impact would be generated to the surroundings. A full set of public comments will be deposited at the meeting for Members’ inspection.

**12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary open storage of building materials and machinery for a period of three years at the Site zoned “R(A)6” and “G/IC” 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 (**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 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 previous approvals (planning application No. A/YL-PS/616) and all the approval conditions of the last application 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 that part of the Site has been rezoned from “REC” to “R(A)6” and “G/IC” in May 2021 after the granting of the previous approval under application No. A/YL-PS/616; 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 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. The applied use would not cause significant adverse traffic, drainage and landscape impacts on the surrounding areas. While DEP does not support the application as there are sensitive receivers in the vicinity of the Site with the nearest one located 25m to the north 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 nuisance on the adjacent areas.

- 12.7 The Committee has approved nine previous applications for various temporary open storage uses covering the Site from 2003 to 2020 and five similar applications have also been approved in the same "R(A)6" and "G/IC" zone in the past five years. Approval of the application is in line with the previous decisions of the Committee.
- 12.8 There are 24 public comments received on the application (**Appendices VII-1 to VII-5**) and all support the application.

### **13. Decision Sought**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment in paragraph 11 above, the Planning Department considers that the temporary open storage of building materials and machinery could be tolerated for a further period of 3 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 17.12.2023 to 16.12.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 7:00 p.m. and 7:00 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) only light and medium goods vehicles not exceeding 24 tonnes as defined under the Road Traffic Ordinance are allowed to enter/be parked at the Site at all times during the planning approval period;
- (d) no dismantling, repairing or other workshop activity is allowed on the Site at all times during the planning approval period;
- (e) no storage of electrical appliances including computer parts and television sets is allowed on the site at any time during the planning approval period;
- (f) the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (g) 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 **17.3.2024**;

- (h) 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 **28.1.2024**;
- (i) 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 **17.6.2024**;
- (j) in relation to (i) 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 **17.9.2024**;
- (k) if any of the above planning condition (a), (b), (c), (d), (e) or (f) 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
- (l) if any of the above planning condition (g), (h), (i) or (j) 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/616 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 "G/IC" zones, which are primarily for high-density residential developments and the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, even on a temporary basis.

**14. Attachments**

<b>Appendix I</b>	Application form received on 31.8.2023
<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 Applications covering the Site
<b>Appendix V</b>	Similar Applications
<b>Appendix VI</b>	Government Departments' General Comments
<b>Appendix VII</b>	Advisory Clauses
<b>Appendices VIII-1 to VIII-5</b>	Public Comments
<b>Appendix IX</b>	'Good Practice Guidelines for Open Storage Sites' issued by the Fire Services Department
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout 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 A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**