

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/711

- Applicant** : Mr. CHAU Kam Ming represented by Miss. WAI Siu Yiu
- Site** : Lots 114 (Part), 115 RP (Part), 116 RP, 201 RP (Part) and 203 (Part) in D.D. 126, Ping Shan, Yuen Long
- Site Area** : About 3,500 m²
- 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 25%)
[*Restricted to a maximum plot ratio of 6.7 and a maximum building height of 160mPD*]

“Government, Institution or Community” (“G/IC”) (About 75%)
- Application** : Temporary Open Storage of Building Materials and Machinery for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of building materials and machinery for a period of three years at the application site (the Site) (**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 by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, the Site is accessible via an existing local track leading to Tin Wah Road (**Plans A-1 to A-3**). The whole site would be used for open storage of building materials and machinery. No dangerous goods will be stored and no heavy goods vehicle and container tractor/trailer will be allowed to park/store at the Site. Three single-storey temporary structures are provided at the Site for guardhouse and staff resting room respectively. The operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays (excluding Sundays and public holidays). The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 The Site is involved in eight previous applications including three applications for temporary open storage of new and unlicensed vehicles approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2003 and 2005 (details in paragraph 6.1 below). Compared with the last previous application (No. A/YL-PS/205), the current application is submitted by a different applicant at a smaller site with different stored items and layout.
- 1.4 The major development parameters of the current application are summarised as follows:

Major Development Parameters	Application No. A/YL-PS/711
Site Area	3,500 m ² (about)
Total Floor Area	26.5 m ²
No. and Height of Structures	3 (1 guardroom and 2 staff resting rooms) (2.9 to 3 m, 1 storey)
Operation Hours	(a) 8:00 a.m to 6:00 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 the following documents:
- (a) Application form with attachments received on 11.3.2024 **(Appendix I)**
- (b) Further information (FI) received on 7.5.2024 **(Appendix Ia)**
[not 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 FI at **Appendix Ia**. They can be summarised as follows:

- (a) The application is for storage of building materials and machinery which is to facilitate the operation of a public works project, the Yuen Long Effluent Polishing Plant – Stage 1 commissioned by Drainage Services Department.
- (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). The surroundings of the Site have been occupied with

temporary storage uses since 1990s and there has been no report on flooding problem.

- (c) The options for brownfield sites are limited due to the land resumption process for Yuen Long South Development Phase 1.
- (d) All the approval conditions will be complied with to the satisfaction of concerned departments.
- (e) The applicant will repair the uneven and dilapidated roads for the use of villagers nearby.
- (f) No adverse infrastructural nor environmental impacts are anticipated since the storage use at the Site is temporary in nature and the operation mode is similar to the adjoining storage yards.

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. 31B) 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 near Tin Tsz Road. The draft OZP incorporating the proposed amendments were 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 open storage use at the Site would be subject to planning enforcement action.

5. Town Planning Board Guidelines

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

6. Previous Applications

- 6.1 The Site is involved in eight previous applications. Four applications were

approved and four applications were rejected by the Committee / the Board on review.

- 6.2 Five of the applications (No. A/DPA/YL-PS/45 and 61, A/YL-PS/11, 24 and 93) for temporary parking uses were approved / rejected between 1994 and 2001. The considerations of these applications are not relevant to the current application which involves a different use. Details of the previous applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.
- 6.3 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 applied use would not frustrate the implementation of the planning intention of the then “REC” zone; not incompatible with the surrounding uses; no adverse departmental comment; similar temporary uses within the same “REC” zone had been approved before; and 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. For the last previous application No. A/YL-PS/205, all time-limited conditions have been complied with.

7. Similar Applications

There are six similar applications (No. A/YL-PS/647, 653, 669, 680, 695 and 697) for temporary open storage and/or warehouse uses for a period of three years within/straddling the same “R(A)6” and/or “G/IC” zones 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; 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 IV** 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, fenced-off and currently used for the applied use without valid planning permission; 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) predominated open storage yards which some are covered by valid

planning permissions and some are suspected unauthorized developments subject to planning enforcement action, temporary structures, a pond and unused land; and

- (b) to its south across Ha Mei San Tsuen Road is the village settlement of Ha Mei San Tsuen.

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 V** and **VI** respectively.
- 10.2 The following government department has comment 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	Q1 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 Jan 2025.

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 there are residential uses in the vicinity (with the nearest one situated about 43 m to its south) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) there is no substantiated complaint pertaining to the Site received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

11. Public Comments Received During the Statutory Publication Period

On 19.3.2024 and 24.9.2024, the application was published for public inspections. During the statutory public inspection periods, one public comment from an individual (**Appendix VII**) was received expressing concern on the applied use encroaching onto Village Environs ('VE') and its impact on the nearby villages.

12. Planning Considerations and Assessments

12.1 The application is 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 with land resumption/land clearance process scheduled to commence in Q1 2025. While CE/HP3 of CEDD recommends that the validity of the temporary planning permission at the Site should not exceed January 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 surrounding areas are predominated by open storage yards (some of which are covered by valid planning permissions), temporary structures, a pond 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 there has been no substantiated complaints at the Site. 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 Relevant government departments including the Commissioner for Transport, CE/MN, DSD, the Director of Fire Services and the Chief Town Planner/Urban Design & Landscape of Planning Department have no objection to or adverse comment on the application from traffic, drainage, fire safety and landscape impacts perspectives respectively. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located 43m to the south of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, thus environmental nuisance is expected. Nonetheless, no environmental complaint concerning the Site has been received by DEP in the past three years. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise possible environmental nuisance on the surrounding areas and to keep the Site clean and tidy at all times. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of other concerned government departments. 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.
- 12.6 The Committee has approved three previous applications for various temporary open storage uses covering the Site from 2003 to 2005 and six similar applications within/straddling the same “R(A)6” and “G/IC” zones in the past five years. Approval of the application is in line with the previous decisions of the Committee.
- 12.7 There is one public comment received as summarised in paragraph 11 above.

The site boundary does not encroach upon the 'VE' of Ha Mei San Tsuen (**Plan A-1a**). The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

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 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 until **5.7.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **5.1.2025**;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **5.4.2025**;
- (c) in relation to (b) above, the maintenance of existing drainage facilities on the Site at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within **6 weeks** from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **16.8.2024**;
- (e) the submission of fire service installations proposal 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 **5.1.2025**;
- (f) in relation to (e) above, the implementation of fire service installations proposal 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 **5.4.2025**;
- (g) if the above planning condition (c) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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.

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 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

Appendix I	Application form received on 11.3.2024
Appendix Ia	FI received on 7.5.2024
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
Appendix VIII	'Good Practice Guidelines for Open Storage Sites' issued by the Fire Services Department
Drawing A-1	Layout Plan
Plan A-1a	Location Plan with Similar Applications
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
JULY 2024**