

**APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-PS/721

- Applicant** : Mr. TANG Chi Kong represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 280 (Part), 282 (Part), 284 (Part), 285 (Part), 286 (Part), 287 (Part) and 320 (Part) in D.D. 126, Fung Ka Wai, Ping Shan, Yuen Long
- Site Area** : 4,754 m² (about)
- 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) 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 largely vacant and partly occupied by 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 the ingress/egress is at the southwestern part(**Plans A-2 and A-3**). According to the applicant, the majority of the site will be used for open storage of construction materials (metal). One temporary structure with a floor area of about 30m² and a building height of 1 storeys (2.5m) for ancillary site office use is proposed at the western part of the Site. Three parking spaces for private cars (staff only) and two loading/unloading (L/UL) spaces for medium goods vehicles (MGVs) are provided. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays (excluding Sundays and public holidays). The vehicular access plan, layout plan and landscape and tree preservation proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of eleven previous applications for various types of uses including three applications for temporary open storage use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 1994 and 1998 (details at paragraph 6 below).
- 1.4 The major development parameters of the current application are summarised as follows:

Major Development Parameters	Application No. A/YL-PS/721
Site Area	about 4,754 m ²
No. of Structures	1 (for ancillary site office)
Total Floor Area	about 30 m ²
Height of Structures	2.5m (1 storey)
Car Parking Space	3 for private cars (Staff use only)
L/UL Spaces	2 for MGVs
Operation Hours	9:00 a.m. to 6:00 p.m. from Mondays to Saturdays (no operation on Sundays and public holidays)

- 1.5 In support of the application, the applicant has submitted an application form with attachment received on 5.6.2024 (**Appendix I**).

2. **Justifications from the Applicant**

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

- (a) The applied use will provide a temporary solution to meet the pressing market demand of open storage facilities in the North West New Territories, in particular to cater for the logistics for construction sites in the New Territories, and optimise the use of land resources considering the physical state of the Site.
- (b) Temporary nature of the applied use will not jeopardise the long-term planning intention of the “REC” zone. The applicant agrees to terminate the operation at the Site upon the implementation of a development proposal under the Land Sharing Pilot Scheme (LSPS) at Fung Ka Wai.
- (c) The applied use is compatible with the surrounding areas which mainly consist of open storage/storage yards for vehicles and construction materials/equipment/machinery in the vicinity.
- (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, and the concerns of relevant government departments could be addressed through and the implementation of approval conditions, the current application is considered in line with TPB PG-No. 13G.
- (e) 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. 31B) 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.

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**

- 5.1 The Site falls within the development boundary of Application No. LSPS/007 under the LSPS for public and private housing development.
- 5.2 The Site is currently not subject to any planning enforcement action.

6. **Previous Applications**

- 6.1 The Site in whole or in part is the subject of eleven previous applications (No. A/DPA/YL-PS/3 and 30, A/YL-PS/14, 40, 49, 247, 295, 369, 470, 544 and 634) for various uses. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Approved applications

- 6.2 Applications No. A/DPA/YL-PS/30¹, A/YL-PS/14 and 40 with larger sites for temporary open storage of new vehicles were approved with conditions by the Committee between 1994 and 1998 on the considerations that there was no immediate alternative site available for open storage of new vehicles; the temporary use would not frustrate permanent development at the sites; and the proposal was unlikely to have significant adverse traffic and environmental impacts.
- 6.3 Application No. A/YL-PS/49 for proposed golf driving range, No. A/YL-PS/295, 369, 470 and 544 for temporary war game centre, and No. A/YL-PS/634 for temporary public vehicle park were approved with conditions by the Committee between 1999 and 2021. The considerations are not relevant to the current application which involves a different use. For the latest approved application No. A/YL-PS/634, all time-limited approval conditions have been complied with.
- 6.4 Compared to the last approved previous application No. A/YL-PS/634, the current application is submitted by same applicant for a different use with a smaller site.

¹ The Site was designated as “Unspecified Use” area on the then Ping Shan Development Permission Area Plan No. DPA/YL-PS/1 gazetted on 18.6.1993.

Rejected applications

- 6.5 Application No. A/DPA/YL-PS/3¹ with a larger site for open storage of new vehicles was rejected by the Board upon review in 1994 mainly on grounds of failure to address the drainage, visual, noise and traffic impacts. For application No. A/YL-PS/247 for temporary holiday camp rejected by the Committee in 2006, the considerations are not relevant to the current application which involves a different use.

7. Similar Application

There is no similar application for open storage use within the same “REC” zone in the past five years.

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

8.1 The Site is:

- (a) largely vacant and partly occupied for the applied use without valid planning permission; and
- (b) accessible via a local track leading from Tin Wah Road.

8.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly an open storage yards for new vehicles, a drone training centre and parking of vehicles intermixed with garden and some vacant land;
- (b) the open storage yards for new vehicles and the drone training centre are covered with valid planning permissions, while the parking of vehicles is a suspected unauthorized development (UD) which may be subject to planning enforcement action; and
- (c) to its further east is the hilly area of Kai Shan zoned “Conservation Area” (“CA”) for burial ground and to its further south are the residential settlements of Fung Ka Wai.

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 Bureaux/Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 below, other bureaux/departments consulted have no objection to/no adverse comment on the

application. Their general comments and advisory comments are provided in **Appendices IV and V** respectively.

10.2 The following government department has adverse comment on the application:

Environment

10.2.1 Comment of the Director of Environmental Protection (DEP):

- (a) he does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one about 62m to its south) (**Plan A-2**). The applied use will cause traffic of heavy vehicles, and environmental nuisance is expected;
- (b) there was no environmental 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 Comment Received During Statutory Publication Period

On 14.6.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VI**) objecting to the application on the ground that the Site is close to residential area, and expressing concern on whether there was enforcement action taken against the existing open storage use.

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 which is primarily for recreational developments for the use of the general public, it could provide spaces for storage of construction materials to cater such demand in the area. Besides, while the Site falls within the development boundary of Application No. LSPS/007 under the LSPS for public and private housing development (**Plan A-1a**), the Head (Land Sharing Office), Development Bureau advises that should the application be approved, an advisory clause could be included to remind the applicant not to carry out any substantial works as the Site might be subject to the implementation of the LSPS development. As such, it is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term development of the area.
- 12.2 The Site is predominantly surrounded by open storage yards, a drone training centre, parking of vehicles, garden and vacant land (**Plan A-2**). 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 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 as recommended in paragraph 13.2 below.
- 12.5 Relevant government departments including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services have no objection to/no adverse comment on the application from traffic, drainage and fire safety 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 about 62m to its south) (**Plan A-2**), 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 UD on-site would be subject to enforcement action.
- 12.6 The Committee has previously approved three applications covering the Site for temporary open storage use from 1994 to 1998. 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 planning considerations and assessments in paragraphs 12.1 to 12.6 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 comment mentioned in paragraph 11 above, 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 **2.8.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) 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 **2.11.2024**;
- (b) 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 **2.2.2025**;
- (c) in relation to (b) 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 **2.5.2025**;
- (d) in relation to (a) and (c) above, the implemented drainage proposal and/or the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 **13.9.2024**;
- (f) 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 **2.2.2025**;
- (g) in relation to (f) 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 **2.5.2025**;
- (h) if the above planning condition (d) 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
- (i) if any of the above planning condition (a), (b), (c), (e), (f) or (g) 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 5.6.2024
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Appendix VII	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Landscape and Tree Preservation Proposal
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
AUGUST 2024**