

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

**APPLICATION NO. A/YL-PS/733**

- Applicant** : Mr. CHAU Kam Ming represented by Miss WAI Siu Yiu
- Site** : Lots 115 RP (Part), 116 RP and 201 RP (Part) in D.D. 126, Ping Shan, Yuen Long
- Site Area** : About 2,760 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** : “Village Type Development” (“V”)  
*[Restricted to a maximum building height of 3 storeys (8.23 m)]*
- 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) zoned “V” on the OZP (**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 hard-paved and occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the Site is accessible via an existing local track leading to Tin Wah Road (**Plans A-1a 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 container tractor/trailer are allowed to park/store at the Site. One loading/unloading space for heavy goods vehicle is provided at the Site. The operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays (excluding Sundays and public holidays). The location plan, layout plan and vehicular access plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The major development parameters of the current application are summarised as follows:

Major Development Parameters	Application No. A/YL-PS/733
Site Area	2,760 m <sup>2</sup> (about)
No. of Structure	Nil
Loading/Unloading Space	1 (for heavy goods vehicle)
Operation Hours	(a) 8:00 a.m to 6:00 p.m from Mondays to Saturdays (b) No operation on Sundays and Public Holidays

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application form with attachments received on 16.9.2024 **(Appendix I)**
- (b) Further information (FI) received on 4.11.2024<sup>^</sup> **(Appendix Ia)**
- (c) ***FI received on 7.11.2024<sup>^</sup>*** **(Appendix Ib)**  
<sup>^</sup> [*accepted and 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 Application Form and FIs at **Appendices I and to Iab**. They can be summarised as follows:

- (a) The surroundings of the Site have been occupied with temporary storage uses since 1990s and there has been no report on flooding problem.
- (b) The options for brownfield sites are limited due to the land resumption process for Yuen Long South Development Phase 1.
- (c) The applicant will comply with all the approval conditions to the satisfaction of concerned departments should the application be approved.
- (d) The applicant will repair the uneven and dilapidated roads for the use of villagers nearby.
- (e) 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.
- (f) ***The current application serves as an extension to the existing open storage use approved under application No. A/YL-PS/711, and is mainly used for vehicle manoeuvring space and storage/parking of crane.***
- (g) ***The Site is not active agricultural land or covered with dense vegetation. The approval of the application would not change the Site into brownfield use.***

## 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**

The Site is subject to planning enforcement action (No. E/YL-PS/764) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice was issued on 13.9.2024 requiring discontinuation of the UD. If the notice is not complied with, prosecution action would be considered.

#### **5. Town Planning Board Guidelines**

TPB PG-No. 13G is relevant to the application. The Site falls within Category 4 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**

The Site was in part involved in four previous applications (No. A/DPA/YL-PS/45 and 61, A/YL-PS/11 and 24) for temporary parking of vehicle uses. One application was approved upon review by the Board in 1998 and other three applications were rejected by the Rural and New Town Planning Committee (the Committee) or the Board on review between 1994 and 1997. 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**.

#### **7. Similar Application**

There is no similar application within the same “V” 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) hard-paved, fenced-off and currently occupied by 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) to the north are predominantly open storage yards falling within areas zoned “Government, Institution or Community” (“G/IC”) and “Residential (Group A) 6” (“R(A)6”), which are covered by valid planning permissions; and
- (b) to its south across Ha Mei San Tsuen Road is the village settlement of Ha Mei San Tsuen intermixed with unused land, parking of vehicles and warehouse. Some of the uses are suspected UD’s subject to planning enforcement action.

## **9. Planning Intention**

The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses (SH) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

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

10.1 Apart from the government department 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 IV** and **V** respectively.

10.2 The following government department does not support the application:

### **Environment**

10.2.1 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 23m 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 24.9.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on the grounds that open storage use should not be carried out in “V” zone and approval of this application would envisage brownfield uses encroaching into the “V” zone which is intended for village development.

## **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 “V” on the OZP. The “V” zone is intended to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affect by Government projects. Land within the “V” zone is primarily intended for development of Small Houses by indigenous villagers. The applied use is considered not in line with the planning intention of the “V” zone. There is no strong planning justification given in the submission for a departure from the planning intention of the “V” zone, even on a temporary basis.

12.2 Although the Site is adjoined by open storage yards covered by valid planning permissions (**Plans A-2 and A-3**) to the north zoned “G/IC” and “R(A)6”, the village settlements of Ha Mei San Tsuen within the same “V” zone are located to the immediate south of the Site across Ha Mei San Tsuen Road with the nearest residential dwelling located at about 23m from the Site. The applied use is considered not compatible with the existing village setting within the “V” zone.

12.3 Whilst the concerned departments including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services have no objection to/no adverse comments on the application from traffic, drainage and fire safety perspectives respectively, DEP does not support the application as the applied use would involve the use of heavy vehicles and there are sensitive receivers in the vicinity which is not addressed by the applicant and potential adverse environmental impact on the surroundings is envisaged.

12.4 The Site falls within Category 4 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 4 areas: applications for open storage and port back-up uses would normally be rejected except under exceptional circumstances. For applications on sites with previous planning approvals, and subject to no adverse departmental comments and local objections, sympathetic consideration may be given if the applicants have demonstrated genuine efforts in compliance with approval conditions of the previous planning applications

and included in the applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. The intention is however to encourage the phasing out of such non-conforming uses as early as possible. Planning permission for a maximum period of three years may be allowed for an applicant to identify suitable sites for relocation.

- 12.5 The application is considered not in line with TPB PG-No. 13G in that no previous approval for open storage use has been granted at the Site or in the vicinity within this Category 4 area; there are adverse comments from the relevant departments; and there is insufficient information in the submission to demonstrate that the applied use would not have adverse environmental impact on the surrounding areas.
- 12.6 There is one public comment received as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 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, the Planning Department does not support the application for the following reasons:
- (a) the applied use is not in line with the planning intention of “V” zone, which is primarily to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification given in the submission for a departure from the planning intention, even on a temporary basis; and
  - (b) the applied use is not in line with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) in that there is no previous approval granted at the site; there are adverse departmental comments on the application and the applicant fails to demonstrate that the applied use would not have adverse environmental impact on the surrounding areas.
- 13.2 Alternatively, 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 **8.11.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) the submission of a 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 **8.5.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9 months** to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **8.8.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained 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 **20.12.2024**;
- (e) the submission of a 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 **8.5.2025**;
- (f) in relation to (e) above, the implementation of the 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 **8.8.2025**;
- (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 V**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

**15. Attachments**

<b>Appendix I</b>	Application form received on 16.9.2024
<b>Appendix Ia</b>	FI received on 4.11.2024
<b>Appendix Ib</b>	<b><i>FI received on 7.11.2024</i></b>
<b>Appendix II</b>	Relevant Extract of TPB PG-No.13G
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Appendix VII</b>	'Good Practice Guidelines for Open Storage Sites' issued by the Fire Services Department
<b>Drawing A-1</b>	Site Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Vehicular Access 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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2024**