

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/260

- Applicant** : Tech Famous International Limited represented by R-riches Property Consultants Limited
- Site** : Lots 629 and 631 in D.D.124, Lot 2002 in D.D.125, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : 2,478m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Residential (Group A) 2” (“R(A)2”) (about 97.7%); and
[Restricted to a maximum plot ratio of 5 and a maximum building height of 120 mPD]
area shown as ‘Road’ (about 2.3%)
- Application** : Temporary Warehouse for Storage of Provisions for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of provisions for a period of 3 years (**Plan A-1**). The Site falls within an area mainly zoned “R(A)2” (about 97.7%) with minor portion shown as ‘Road’ (about 2.3%) on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is subject to a previous planning application (No. A/HSK/18) for the same applied use with a slightly smaller site area approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) on 13.10.2017 (**Plan A-1**). However, the planning permission was subsequently revoked on 13.11.2019 due to non-compliance of time-limited approval conditions.

1.3 The Site is accessible from Ping Ha Road via Shek Po Road and a local track to the northwest of the Site (**Drawing A-1 and Plan A-2**). The applied use comprises 4 single-storey structures with a total floor area of about 1,515m², including a warehouse (7.5m high, 1,363m²), a site office (3m high, 44m²), a fire service water tank (3m high, 41m²) and a meter room and store room (3m high, 67m²). Two loading/unloading spaces for light goods vehicles (LGVs) are also provided at the Site (**Drawing A-2**). According to the applicant, the estimated number of staff for the development is about 10 and no visitor is allowed at the Site. The operation hours of the proposed development will be from 9:00 am to 6:00 pm on Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed vehicular access plan, site layout plan, drainage proposal and fire service installations (FSIs) proposal are at **Drawings A-1 to A-4** respectively.

1.4 The development parameters of the last approved application and the current application are compared in the following table:

Major Development Parameters	Last Approved Application (A/HSK/18) (a)	Current Application (A/HSK/260) (b)	Difference (b) – (a)
Applied Use	Temporary Warehouse for Storage of Provisions for a Period of 3 Years		same
Site Area	2,468m ²	2,478m ²	+10m ²
No. of Structures	3	4	+1
Total Floor Area	1,243m ²	1,515m ²	272m ²
Loading/Unloading Bays	2 (LGVs)		Same
Car Parking Spaces	--	10	+10
Operation Hours	9:00 am to 6:00 pm (Mondays to Saturdays) No operation on Sundays and public holidays		same

1.5 In support of the application, the Applicant has submitted the following documents:

- (a) Application Form received on 6.10.2020 **(Appendix I)**
- (b) Planning Statement **(Appendix Ia)**
- (c) Supplementary information (SI) from the applicant dated 8.10.2020 providing replacement pages and revised location plan **(Appendix Ib)**
- (d) FI dated 24.11.2019 providing drainage and FSIs proposals **(Appendix Ic)**
[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 **Appendices I to Ib**. They can be summarized as follows:

- (a) The Site is subject to a previous approval for the same applied use as the current application, the applicant would like to continue to operate the storage use at the Site as it could meet the genuine demand and create job opportunities to the area.
- (b) The proposed development is compatible with the surrounding area and will not create adverse impact to the surrounding area.
- (c) The applicant will comply with the approval conditions and ensure the proposed development will not have environmental impact to the surrounding area. Moreover, the applicant will submit a Short Term Waiver (STW) application to make way to erect the proposed structures at the Site.
- (d) Sufficient maneuvering space is provided within the Site to ensure no queuing and turning back of vehicles to nearby public road. Staff will be stationed at the ingress/egress of the Site to monitor the traffic condition and direct vehicles to enhance pedestrian safety.
- (e) The daily traffic flow will generate 4 trips/hour both during peak hours and non-peak hours respectively.

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 site notice and sending notice by registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently used as storage and workshop which would be subject to planning enforcement action.

5. Previous Application

- 5.1 The Site is subject to a previous application No. A/HSK/18 for the same use as the current application, which was approved with conditions for a period of 3 years by the Committee on 13.10.2017 on the considerations that the site was previously zoned “Open Storage”; the proposal was not incompatible with the surrounding land uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission was revoked due to non-compliance with approval conditions on the implementation of drainage and fire service

installations (FSIs) proposals. Details of the application is summarized at **Appendix II** and its location is shown on **Plan A-1**.

- 5.2 Compared with the last application, the current application is submitted by a different applicant for the same applied use at a slightly larger site.

6. Similar Application

There is one similar application (No. A/HSK/140) for temporary warehouse storage of exhibition materials within the same “R(A)2” zone approved with conditions by the Committee on 14.9.2019 mainly on the considerations as mentioned in paragraph 5.1 above. Details of the application is summarized at **Appendix III** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) fenced and hard-paved, are currently used for the applied use without valid planning permission; and
- (b) accessible from Ping Ha Road via Shek Po Road and a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to the north is warehouse and open storage yards for construction materials and construction vehicles;
- (b) to the east is Shek Po East Road;
- (c) to its south are various open storage yards for construction machinery and vehicles, construction materials, recycling materials, glass and wrecked vehicles; and vehicle repairing workshop. To its further south-east is a warehouse under valid planning permission; and
- (d) to the west near the Site entrance are some residential dwellings (the closest one being about 16m away).

8. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application are summarized as follows:

Land Administration

9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lots 629 and 631 in D.D.124 are covered by Short Term Wavier (STW) No. 5074, and Lot 2002 in D.D. 125 covered by STW No. 5075, both are for temporary warehouse for storage of provisions respectively.
- (c) According to his record, there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.
- (d) Should the application be approved, the STW holders will need to apply to his office modification of the STW conditions where appropriate. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

Traffic

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Shek Po Road.

Environment

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

- (a) There was no substantiated environmental complaint pertaining to the Site received in the past 3 years.
- (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 Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimize any potential environmental nuisance.

Drainage

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) The applicant should note the detailed comments on the submitted drainage proposal at **Appendix V**.
- (c) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a revised drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Fire Safety

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval.
- (c) The applicant should be reminded of his detailed comments at **Appendix V**.

Building Matters

9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site.
- (b) The applicant should be reminded of his detailed comments at **Appendix V**.

Long Term Development

9.1.8 Comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the proposed temporary use, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of the Hung Shui Kiu/ Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lots concerned fall within a site under Second Phase development in the latest programme of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Second Phase development will commence in 2024. In this regard, relevant sites should be returned to the Government by 31.12.2023.

District Officer's Comments

9.1.9 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

His office has not received any comment from the locals on the application.

9.2 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no comment on the application.

10. Public Comment Received During Statutory Publication Period

On 16.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One of them raised concerns on the application as the proposed development falls within the HSK/HT NDA which will be commenced soon; whilst the other one objected to the proposed development as it would generate more traffic flow that affecting the villagers' safety and living quality (**Appendices IV-1 and IV-2**).

11. Planning Considerations and Assessment

- 11.1 The application is for temporary warehouse for storage of provisions for a period of 3 years at a site within an area mainly zoned “R(A)2” (about 97.7%) with minor portion shown as ‘Road’ (about 2.3%) on the OZP (**Plan A-1**). The planning intention of the “R(A)” zone is primarily for high-density residential developments. Whilst the proposed development is not in line with the planning intention of “R(A)” zone, PM/W, CEDD has no objection to the proposed development for temporary use. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, 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 the implementation of government projects.
- 11.2 The Site is mainly surrounded by open storage yards, workshops and warehouses (**Plan A-2**). The applied use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including C for T, CE/MN, DSD and DEP have no objection to or no adverse comment on the application. The applied use will unlikely create significant adverse traffic, drainage and environmental impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and any unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impact.
- 11.4 The Site is subject to a previous planning application (No. A/HSK/18) for the same applied use, which was approved by the Committee on 13.10.2017. However, the planning permission was revoked due to non-compliance with approval conditions on the implementation of drainage and FSIs proposal. For the current application, the applicant has submitted drainage and FSIs proposals for the proposed development. In this regard, CE/MN, DSD and D of FS has no in-principle objection to the application. As such, sympathetic consideration may be given to the application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.
- 11.5 There are one previous approval for the same applied use at the Site and one similar application (No. A/HSK/140) for warehouse use within the same “R(A)2” zone approved by the Committee (**Plan A-1**). Approval of the current application is in line with the Committee’s previous decisions.

11.6 There are two public comments received during the statutory publication period as summarized in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department's Views

12.1 Based on the assessment made in paragraph 11, and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary warehouse for storage of provisions could be tolerated for a period of 3 years.

12.2 Should the Committee decide to approve the application, it is suggested that the planning permission shall be valid on a temporary basis for a period of 3 years until **4.12.2023**. The following conditions of approval with shorter compliance periods and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 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) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of a revised drainage proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board **by 4.3.2021**;
- (f) in relation to (e) above, the implementation of the drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Board **by 4.6.2021**;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) the submission of a fire service installations proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board **by 4.3.2021**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Board **by 4.6.2021**;

- (j) if any of the above planning conditions (a), (b), (c), (d) or (g) 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
- (k) if any of the above planning conditions (e), (f), (h) or (i) 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**.

12.3 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 "R(A)" zone which is primarily for high-density residential developments. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

13.2 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.

13.3 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.

14. Attachments

Appendix I	Application Form received on 6.10.2020
Appendix Ia	Planning Statement
Appendix Ib	SI from the applicant dated 8.10.2020 providing replacement pages and revised location plan
Appendix Ic	FI dated 24.11.2019 providing drainage and FSIs proposals
Appendix II	Previous application covering the Site
Appendix III	Similar application within the same "R(A)2" zone on the OZP
Appendices IV-1 and IV-2	Public Comments Advisory Clauses
Appendix V	
Drawing A-1	Vehicular Access Plan
Drawing A-2	Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**