

RNTPC Paper No. A/HSK/37
For Consideration by
the Rural and New Town
Planning Committee
on 12.1.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/37

- Applicant** : R-riches Property Consultants Limited
- Site** : Lots 1808 RP, 1809, 1810 S.B RP (Part), 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823 and 1825 in D.D. 125, Ha Tsuen, Yuen Long
- Site Area** : 8,376 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : "Government, Institution or Community"("G/IC") (88.6%), "Open Space"("O") (2.8%) and an area shown as "Road" (8.6%)
- Application** : Proposed Temporary Warehouse (Furniture) and Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary warehouse (furniture) and ancillary office for a period of 3 years (**Plan A-1a**). The Site straddles mainly over "G/IC" zone (about 88.6%), an area shown as "Road" (about 8.6%) and "O" zone (about 2.8%) on the Draft Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/1. 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 zones 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.
- 1.2 The Site is involved in 10 previous applications Nos. A/YL-HT/7, 22, 46, 188, 222, 379, 532, 717, 829 and 1047 for open storage uses of containers and construction materials, flea market, and precast building fabrication workshop (**Plan A-1b**). The last application No. A/YL-HT/1047 for temporary open storage of construction material with ancillary site office for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the

Committee) of the Town Planning Board (the Board) on 30.9.2016 for a period of 3 year. The Site is being used for open storage of construction material.

1.3 As shown on **Plan A-2** and **Drawing A-1**, the Site is accessible directly from Ping Ha Road. The ingress/egress of the Site is located at the western boundary of the Site. Five structures are proposed with a total floor area of 3,041.72m² including a two-storey (7m high) site office (92.72m²) and a 3m high portable toilet (8m²) at the western boundary, two two-storey (7m high) site offices (122m² each) at the northern boundary of the Site, and a one-storey (11m high) warehouse (2,697m²) at the eastern part of the Site. A circulation area along the southern boundary of the Site, five parking spaces for private car, one loading/unloading space for container vehicle, two loading/unloading spaces for heavy goods vehicle and manoeuvring space are also proposed. According to the applicant, the operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and Public Holidays. The proposed layout plan, landscape proposal and drainage proposal submitted by the applicant are at **Drawings A-1** to **A-3** respectively.

1.4 A comparison of the major development parameters of the last approved application and the current application is given in the following table:

Major Development Parameters	Last Approved Application (A/YL-HT/1047) (a)	Current Application (A/HSK/37) (b)	Difference (b) – (a)
Site Area	about 8,356m ²	about 8,376m ²	+20m ²
Applied Use	Proposed Temporary Open Storage of Construction Material with Ancillary Site Office for a Period of 3 Years	Proposed Temporary Warehouse (Furniture) and Ancillary Office for a Period of 3 Years	Change from Open Storage to Warehouse use
No. of Structures	4	5	+1 (a new warehouse structure is proposed)
Total Floor area	315.2m ²	3,041.72m ²	+2,726.52m ²
No. of Parking Spaces	0	5 for Private Car	+5 for Private Car
No. of Loading/Unloading Spaces	2 for Container Vehicles 2 for Medium/Heavy Goods Vehicles	1 for Container Vehicles 2 for Medium/Heavy Goods Vehicles	-1 for Container Vehicles

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

- (a) Application Form with location plan and proposed (**Appendix I**) layout plan received on 23.11.2017
- (b) Further Information (FI) dated 28.11.2017 providing trip (**Appendix Ia**) generation rate estimation, revised layout plan and a replacement page to the application form
- (c) FI dated 14.12.2017 providing a revised layout plan to (**Appendix Ib**) respond TD's comment
- (d) FI dated 3.1.2018 providing clarification on the (**Appendix Ic**) landscape proposal
- (e) FI dated 4.1.2018 providing clarification on the drainage (**Appendix Id**) proposal

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the appendix of the application form in **Appendix I**. They can be summarized as follows:

- (a) The Site is proposed for proposed temporary warehouse (furniture) and ancillary office for a period of 3 years at an area zoned "G/IC", "O" and "Road". The Site is subject to some previous planning applications for similar uses.
- (b) The Site falls within the 'Category 1 areas' of the Board's Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in which open storage and port back-up uses are considered suitable.
- (c) The operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and Public Holidays.

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. 31) by posting site notice at the Site and sending notice to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site is still covered by a valid planning approval (No. A/YL-HT/1047), it is not subject to any active enforcement case.

5. **Previous Applications**

5.1 The Site is the subject of 10 previous applications No. A/YL-HT/7, 22, 46, 188, 222, 379, 532, 717, 829 and 1047 for open storage uses of containers and construction materials, flea market, and precast building fabrication workshop. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**. Amongst these, two of the applications Nos. A/YL-HT/22 and 188 for temporary open storage of containers with repair workshop and temporary flea market respectively were rejected by the Committee due to insufficient information to demonstrate that the proposed development would not impose adverse impact on the surrounding areas and set an undesirable precedent. The remaining 8 applications were approved by the Board/Committee with conditions. However, three were subsequently revoked due to non-compliance with approval conditions.

5.2 The last application No. A/YL-HT/1047 for proposed temporary open storage of construction material with ancillary site office was approved by the Committee on 30.9.2016 for a period of 3 years. The application is still valid until 30.9.2019. The time-limit approval conditions including the provision of fencing and the submissions of FSIs, drainage, run-in/out and tree preservation and landscape proposals have been complied with. However, the implementations of the aforesaid proposals are yet to be complied with.

5.3 Compared with the last approved application (No. A/YL-HT/1047), the current application is submitted by a different applicant for a different use at a slightly larger site with a different layout.

6. **Similar Application**

There is no similar application within the same “G/IC” and “O” Zones on the Draft Hung Shui Kiu and Ha Tsuen OZP.

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

7.1 The Site is:

- (a) currently being used for open storage of construction material with a valid planning permission No. A/YL-HT/1047; and
- (b) accessible from Ping Ha Road directly (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics:

- (a) to its north is a logistics centre which is a suspected unauthorized development (UD);
- (b) to its east are a yard for open storage of private car, tires and construction material with ancillary site office under the planning permission of application No. A/YL-HT/1053, and a logistics centre and warehouse with workshop under the planning permission of application No. A/YL-HT/928;
- (c) to its south are two logistics centres under the planning permission of application Nos. A/YL-HT/961 and A/HSK/11 respectively; and
- (d) to its west across Ping Ha Road is a soccer pitch & basketball court.

8. Planning Intentions

- 8.1 The Site straddles over “G/IC” and “O” zones on the Draft Hung Shui Kiu and Ha Tsuen OZP. The planning intention of 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.
- 8.2 The planning intention of the “O” zones is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9. Comments from Relevant Government Departments

- 9.1 The following Government departments have been consulted and their views on the application are summarised 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 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) The private land of Lots Nos. 1808 RP and 1809 both in D.D. 125 is currently covered by Short Term Waiver (STW) No. 4822 to permit structures for the purpose of “Temporary Open Storage of Construction Material with Ancillary Site Office”.

- (c) The Site is accessible to Ping Ha Road through Government Land (GL). Her office provides no maintenance work for the GL involved and does not guarantee any right-of-way.
- (d) The Site does not fall within any Shek Kong Airfield Height Restriction Area.
- (e) Should the application be approved, the STW holder will need to apply to her office for modification of the STW conditions if there are any irregularities on Site and the lot owner(s) of the lots without STW will need to apply to her office for permit the structures to be erected or regularize any irregularities on Site. Such application(s) 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 Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment to 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 the public roads.

9.1.3 Comments of the Chief Highways 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 to prevent surface water flowing from the Site to the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

Environment

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

- (a) There was no environmental complaint concerning the Site received in the past 3 years.

- (b) Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

Drainage

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

- (a) He noted that the drainage proposal submitted under the current application is the same as the drainage proposal submitted under an approved application No. A/YL-HT/1047, which was accepted by his Division in September 2017. He has no objection in principle to the development from a drainage point of view. Should the application be approved, he would suggest a condition should be stipulated in the approval letter requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (b) The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (c) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried outside his lot boundary before commencement of the drainage works.

Building Matters

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

- (a) Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (b) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (c) The Site shall be provided with means of obtaining access thereto from a street and emergency access in accordance with Regulations

5 and 41D of the Building (Planning) Regulations respectively.

- (d) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Fire Safety

9.1.7 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 structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Long Term Development

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

- (a) No objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and existing infrastructure capacities.
- (b) However, the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The concerned lot(s) falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

Others

9.1.9 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

District Officer’s Comments

9.1.10 Comment of 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 The following Government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD); and
- (e) Director of Leisure and Cultural Services (DLCS)

10. Public Comments Received During Statutory Publication Period

On 1.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 22.12.2017, no public comments from the public were received.

11. Planning Considerations and Assessment

11.1 The Site falls within area zoned “G/IC” zone (88.6%), “O” zone (2.8%) and an

area shown as "Road" (8.6%). The planning intention of 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. The "O" zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the development is not in line with the planning intentions of the "G/IC" and "O" zones, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD and DLCS have no objection to the applied use for 3 years on the Site. In this regard, 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 implementation of government projects.

- 11.2 The applied use is not incompatible with the surrounding areas which are predominantly used for logistics centre and open storage uses (**Plan A-2**).
- 11.3 There is no adverse comment on the application from concerned Government departments. Furthermore, to minimize any potential environmental nuisances or to address the technical requirements of the concerned Government departments, relevant approval conditions have been recommended in paragraph 12.2 below. 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 by the Planning Authority. Should the applicant be approved, the applicant will be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 11.4 The Committee has approved 8 previous applications for various open storage and warehouse uses at the Site (**Plan A-1b**).
- 11.5 There is no public comment received on the application during the statutory publication period.

12. **Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 above, the Planning Department considers that the proposed temporary warehouse (furniture) and ancillary office could be tolerated for a period of 3 years.
- 12.2 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 3 years until **12.1.2021**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 7:00 p.m. to 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) the existing fencing on the Site shall be maintained at all time during the approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the implementation of the accepted 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 **12.7.2018**;
- (f) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **12.7.2018**;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **12.10.2018**;
- (i) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **12.7.2018**;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **12.10.2018**;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (f) 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;
- (l) if any of the above planning conditions (e), (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; and

- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are attached at **Appendix III**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

The proposed temporary warehouse of furniture and ancillary office is not in line with the planning intentions of the "G/IC" and "O" zones, which are 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; and for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public respectively. There is no strong planning justification in the submission for a departure from the planning intentions, 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 for the planning 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 reasons for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with location plan and proposed layout plan received on 23.11.2017
Appendix Ia	FI dated 28.11.2017 providing trip generation rate estimation, revised layout plan and a replacement page to the application form
Appendix Ib	FI dated 14.12.2017 providing a revised layout plan to respond TD's comment
Appendix 1c	FI dated 3.1.2018 providing clarification on the tree preservation and landscape proposal
Appendix 1d	FI dated 4.1.2018 providing clarification on the drainage proposal
Appendix II	Previous applications covering the Site
Appendix III	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Landscape Proposal
Drawing A-3	Drainage Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a - 4b	Site Photos

**PLANNING DEPARTMENT
January 2018**