

RNTPC Paper No. A/HSK/88
For Consideration by
the Rural and New Town
Planning Committee
on 17.8.2018

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/88

- Applicants** : Mr. WONG Kwong Leung and Ms. WAN Yuk Fa represented by Metro Planning and Development Company Limited
- Site** : Lots 208 (Part), 209 and 210 (Part) in D.D. 127 and adjoining Government Land, Ping Shan, Yuen Long, New Territories
- Site Area** : About 680 m² (including 3m² government land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan No. S/HSK/1
- Zoning** : “Government, Institution or Community” (“G/IC”)
[Restricted to maximum building height of 8 storeys]
- Application** : Temporary Warehouse for Storage of Vehicles and Vehicle Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission to use the application site (the Site) for temporary warehouse for storage of vehicles and vehicle parts for a period of 3 years (**Plan A-1**). According to the Notes for the “G/IC” zone on the OZP, ‘Warehouse’ is neither a Column 1 nor Column 2 use. 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), notwithstanding that the use or development is not provided for in terms of the OZP. The applicants currently seek temporary permission for a period of 3 years. The Site is currently being used for the applied use without a valid application.
- 1.2 The Site is the subject of one previous application (No. A/YL-PS/155) for proposed food and beverage production plant which was approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions on 15.8.2003. The approved scheme has subsequently not been implemented.
- 1.3 The major development parameters of the current application are as follows:

Site Area	About 680 m ²
Total Floor Area	542 m ²
No. of Structures	2
Building Height	1 storey (3m) to 2 storeys (6m) (including loft)
No. of Loading/Unloading Bay	1 (for Light Goods Vehicles)
Operation Hours	9:00 a.m. to 5:00 p.m. (Mondays to Saturdays only)

- 1.4 The lot index plan, vehicular access plan, proposed layout plan, proposed landscape plan and proposed drainage plan are at **Drawings A1 to A5** respectively.
- 1.5 According to the applicants, the Site is accessible via a local track connecting to Hung Chi Road. No open storage and workshop activities will be carried out at the Site. Only private cars (mostly for collection) will be stored at the Site. Only light goods vehicle not exceeding 5.5 tonnes will be allowed to enter/park for loading/unloading of spare parts at the Site once per month. The operation hours are from 9:00 a.m. to 5:00 p.m. on Mondays to Saturdays (excluding Sundays and public holidays).
- 1.6 In support of the application, the applicants have submitted the following documents:
- (a) Application form received on 22.6.2018 **(Appendix I)**
 - (b) Executive summary, drainage proposal, estimated traffic generation, lot index plan, vehicular access plan, proposed layout plan, proposed landscape plan and proposed drainage plan
(accepted and exempted from publication and recounting requirement) **(Appendix Ia)**
 - (c) Letter of 20.7.2018 to clarify the previous zoning of the Site on the previous OZP and provide replacement pages
(accepted and exempted from publication and recounting requirement) **(Appendix Ib)**

2. Justifications from the Applicant

The justifications put forth by the applicants in support of the application are detailed at **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site was previously zoned “Industrial (Group D)” (“I(D)”) on the OZP of which ‘Warehouse’ was a Column 1 use. The applicants purchased the land in 2015 and they wish to obtain the Short Term Waiver so that they submit the current application for the consideration by the Board.

- (b) The proposed development is temporary in nature. It would not jeopardise the long term planning intention of the “G/IC” zone. The Site is not owned by the Government so that the acquisition of land for “G/IC” use takes time. As such, the temporary conversion of the Site for another use would be a prudent use of scarce land resource.
- (c) The proposed development at the Site is clean and tidy. Only private cars will be stored at the Site due to limited size of the Site. The vehicles to be stored at the Site are the collections of the applicant. The spare parts to be stored at the Site are intended for the supply for his car collections which are not easily found in the market. No open storage and workshop activities will be carried out at the Site.
- (d) The nature, form and layout of the proposed development are compatible with the surrounding environment. It would not affect the character of the surrounding environment.
- (e) The operation hour of the proposed development is 9:00 a.m. to 5:00 p.m. from Mondays to Saturdays.
- (f) One loading/unloading bay is proposed for the development. Only light goods vehicle not exceeding 5.5 tonnes will be allowed to enter/park at the Site for the convenience of the applicant. The loading/unloading of spare parts at the Site would be infrequent. It would be about 1 time per month.
- (g) The applicants submit landscape proposal and drainage proposal to support their application. In view of the nature, scale and form of the development, the proposed development would not generate significant impact to the surrounding environment.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owner” of the lots. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site is not subject to any active enforcement case. Should a material change of use be identified on site, which constitutes an unauthorised development under the Town Planning Ordinance, enforcement action would be instigated subject to sufficient evidence collected.
- 4.2 The Site falls within an area designated as “Education” use on the adopted Hung Shui Kiu and Ha Tsuen Outline Development Plan (ODP) No. D/HSK/1. According to the ODP, the Site is reserved for a primary school and a secondary school.

5. Previous Application

- 5.1 The Site is involved in one previous planning application (No. A/YL-PS/155).

Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

- 5.2 Application No. A/YL-PS/155 for proposed food and beverage production plant was approved by the Committee with conditions on 15.8.2003 on consideration that the proposed development was generally in line with the planning intention of the then “I(D)” zone and compatible with the planned land use at the time of consideration. The approved scheme has subsequently not been implemented.

6. Similar Application

There is no similar application within the same “G/IC” zone on the OZP.

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

7.1 The Site is:

- (a) currently occupied by the applied use; and
- (b) accessible via a local track connecting to Hung Chi Road.

7.2 The surrounding areas have the following characteristics:

- (a) the surrounding areas are predominated by workshops, warehouses and storage uses intermixed with parking of vehicles which are mainly suspected unauthorised development (UD); and
- (b) to the west is unused land. To the further west and northwest are parking of vehicles and a logistics centre which are suspected UDs and a concrete batching plant covered by an approved application (No. A/YL-PS/143). To the further north is a vehicle repair workshop which may be tolerated under the Town Planning Ordinance.

8. Planning Intention

The “G/IC” zone is 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.

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) No permission is given for occupation of government land (GL) (about 3m² subject to verification) included in the Site. The act of occupation of GL without Government's prior approval is not allowed.
- (c) The Site is accessible to Hung Chi Road through GL and private lot(s). His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) According to his record, there is no lease modification/land exchange application nor building plan submission at the Site approved/under processing.
- (f) Should planning approval be given to the planning application, the lot owner(s) will need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Besides, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Such application(s) will be considered by the 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 the LandsD.

Building Matters

9.1.2 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 unauthorised building works (UBW) under the Buildings Ordinance (BO). An Authorised Person (AP) should be appointed as the coordinator 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 vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (d) If the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Traffic

9.1.3 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 public roads.
- (c) The local track leading to the Site is not under 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.

9.1.4 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 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 Hung Chi Road.

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 proposed application from a drainage point of view.
- (b) 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 to his Division.

- (c) His details comments are in **Appendix III**.

Environment

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

- (a) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites”.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (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 layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (d) However, the applicant should be reminded that if the proposed structure(s) is required to comply with Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

9.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the aerial photo of 2015, it is observed that the Site is hard paved and vacant. The Site is situated in an area of rural landscape character disturbed by temporary structures and open storage yards. Significant change to the landscape character

arising from the application is not envisaged.

- (b) The applicant is advised that the approval of the s.16 application by the Board does not imply approval of the tree works such as pruning, transplanting and/or felling. Application for tree works should be submitted direct to DLO for approval.
- (c) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解(http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf) and the Handbook of Tree Management (Chinese Version: http://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html) published by the GLTM Section, DEVB.

Long Term Development

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

He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities. However, the Site falls within the boundary of 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 lot(s) concerned 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.

9.1.10 Comments of the Secretary for Education (SED):

- (a) He understands that the proposal is effective for 3 years and renewal is subject to further approval.
- (b) The reserved primary/secondary school site is to cater the population in HSK NDA and the commencement of facilities will tie in with the nearby housing development in HSK NDA.
- (c) Reservation of sites for primary/secondary schools should be made on a district basis. So long as a suitable school site can be identified within the district by the Planning Department, EDB would not have specific preference over the exact location of the school site.

Others

9.1.11 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department (FEHD)'s facilities will be affected and such work and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from such activity/operation, the applicants should arrange disposal properly at their own expenses.
- (c) Proper license/permit issued by FEHD is required if there is any catering service/activities regulated by the DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

District Officer's Comments

9.1.12 Comments of the District Officer (Yuen Long), HAD (DO(YL), HAD):

He relayed one objection from the village representative of Hung Uk Tsuen on the grounds that the proposed development would affect the access of villagers and business operators nearby, sewage and odour nuisances to the village and unauthorised occupation of GL (**Appendix IV**).

9.2 The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Leisure and Cultural Services (DLCS);
- (c) Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD);
- (d) Director of Electrical and Mechanical Services (DEMS);
- (e) Commissioner of Police (C of P); and
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

10. Public Comments Received During Statutory Publication Period

On 29.6.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 20.7.2018, one objecting public comment (**Appendix V**) was received on the grounds the applied use does not in line with the planning intention and approval for such use would set an undesirable precedent.

11. Planning Considerations and Assessments

11.1 The "G/IC" zone is 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. Whilst the applied use is not in line with the planning intention of the “G/IC” zone, the implementation programme for this part of HSK NDA is still being formulated, and PM/NTW of CEDD and SED 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 Site is mainly surrounded by workshops, warehouses and storage uses (**Plan A-2**). The applied use is not incompatible with the surrounding land uses.
- 11.3 Relevant Government departments, including AC for T/NT, DEP, CE/MN of DSD and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. The proposed use will unlikely create significant adverse traffic, environmental, drainage and landscape impacts to the surrounding areas. There has been no environmental complaint concerning the Site received in the past 3 years. 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 unauthorized development on Site will be subject to enforcement action by the Planning Authority. Should the 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 the possible environmental impacts on the nearby sensitive receivers.
- 11.4 There is one public comment objecting to the application received on the grounds as summarized in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant. Besides, DO(YL), HAD has relayed one local objection on the application on grounds that the proposed development would affect the access of villagers and business operators nearby, environmental nuisances and unauthorised occupation of GL as summarised in paragraph 9.1.12 above. In this regard, relevant departments including DEP and DLO/YL, LandsD have been consulted and they have no comment. In this regard, should the application be approved, the applicant is advised to liaise with the locals on their concern.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse for storage of vehicles and vehicle parts 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 17.8.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 5:00 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 or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (d) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **17.2.2019**;
- (g) in relation to (f) above, the implementation of the accepted drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **17.5.2019**;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the submission of a 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 Town Planning Board by **17.2.2019**;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **17.5.2019**;
- (k) the provision of boundary fencing on the Site within **6** months from the date of the planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **17.2.2019**;

- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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;
- (m) if any of the above planning conditions (f), (g), (i), (j) or (k) 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
- (n) upon the expiry of the planning permission, the reinstatement of the 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 VI**.

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

the development is not in line with the planning intentions of the "G/IC" zone which 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. The applicant fails to demonstrate the proposed shop for retail and wholesale of construction materials would not generate adverse environmental nuisance on the surrounding areas. No strong planning justification has been given 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.
- 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 22.6.2018
Appendix Ia	Executive summary, drainage proposal, estimated traffic generation, lot index plan, vehicular access plan, proposed layout plan, proposed landscape plan and proposed drainage plan
Appendix Ib	Letter of 20.7.2018 to clarify the previous zoning of the Site on the previous OZP and provide replacement pages

Appendix II	Previous Application covering the Site
Appendix III	Detailed comments of DSD
Appendix IV	Local comment relayed from DO(YL), HAD
Appendix V	Public comment received during statutory publication period
Appendix VI	Advisory Clauses

Drawing A-1	Lot Index Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Proposed Layout Plan
Drawing A-4	Proposed Landscape Plan
Drawing A-5	Drainage proposal

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2018**