

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

**APPLICATION NO. A/HSK/298**

- Applicant** : Chun Lik Construction Engineering Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 625, 626 (Part), 627 and 628 in D.D. 124 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : About 3,990m<sup>2</sup> (including GL of about 482m<sup>2</sup> or 12%)
- 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
- Zoning** : “Residential (Group A)2” (“R(A)2”)  
*[Restricted to a maximum plot ratio of 5 and a maximum building height of 120 mPD]*
- Application** : Proposed Temporary Warehouse for Storage of Electronic Goods 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 electronic goods for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “R(A)2” on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use 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 under the Notes of the OZP. The Site is currently fenced off and mostly vacant (**Plan A-4**).
- 1.2 The Site is involved in a previous application (No. A/YL-HT/59) for open storage and workshop use when it was zoned “Open Storage” on the then OZP, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 25.9.1998. Details of the previous application are in paragraph 5 below.
- 1.3 The Site is accessible from Shek Po Road via a local track and the ingress/egress point is at the western boundary of the Site (**Drawing A-1 and Plans A-2 to A-3**). 3 single-storey temporary structures with a total floor area of about 2,850m<sup>2</sup> for a warehouse (13m high), ancillary site office and toilet (both 3.5m high) are proposed. According to the applicant, the proposed development is intended for storage of electronic goods (brand new mobile phones and tablets). The proposed layout plan, landscape plan and drainage plan are at **Drawings A-2 to A-4**.

- 1.4 A summary of the major development parameters of the current application is given in the following table:

<b>Applied Use</b>	Temporary warehouse for storage of electronic goods (3 years)
<b>Site Area</b>	3,990m <sup>2</sup>
<b>No. of Structures</b>	3 (warehouse, site office and toilet)
<b>Total Floor Area</b>	2,850m <sup>2</sup>
<b>Height of Structures</b>	Single-storey (not more than 13m high)
<b>No. of Loading/ Unloading Spaces</b>	1 for MGV 1 for HGV
<b>Operation Hours</b>	7:00 a.m. to 11:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with annex and plans received on **(Appendix I)**  
22.2.2021
  - (b) Supplementary Information (SI) received on 22.2.2021 **(Appendix Ia)**  
providing clarification on background information

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia**. They can be summarized as follows:

- (a) The proposed development is intended for storage of brand new mobile phones and tablets within an enclosed warehouse. No dismantling, assembling, compacting and other workshop activities will be held at the Site.
- (b) The Site is subject to a previous planning permission (No. A/YL-HT/59) for open storage of construction machinery, repair workshop and ancillary office use since 1998. The proposed development conforms to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)<sup>1</sup>.
- (c) The Site just adjoins a similar warehouse for storage of exhibition materials with planning permission under application No. A/HSK/140 within the same “R(A)2” zone. The planning circumstances pertaining to the Site are similar to the recently approved case. Preferential consideration should be given to the current application.
- (d) The proposed development is a temporary use for a period of 3 years and would not jeopardize the long-term planning intention of the current zoning. The proposed development will be terminated when the Government resumes the Site.
- (e) There is a shortage of land for warehouses in Ha Tsuen.
- (f) There are insignificant environmental and noise impacts since the applied use is housed within an enclosed structure and no operation will be held during sensitive hours. Minimal traffic impact is expected.

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<sup>1</sup> TPB PG-No. 13F is not applicable to the applied warehouse 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. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the Government land portion.

### **4. Background**

The Site is not subject to planning enforcement action.

### **5. Previous Application**

The Site is involved in a previous application No. A/YL-HT/59 for open storage of construction machinery, repair workshop and ancillary office covering a smaller site which was zoned “Open Storage” on the then Ha Tsuen OZP No. S/YL-HT/1. The application was approved with conditions by the Committee on 25.9.1998. Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**

### **6. Similar Applications**

- 6.1 There are three similar applications (No. A/HSK/18, 140 and 260) for warehouse use entirely / partly within the same “R(A)2” zone. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 All the applications were approved with conditions by the Committee between 2017 and 2020 on the considerations that approval of the application on a temporary basis would not jeopardize the long-term development; the applied uses were generally not incompatible with the surrounding land uses; and no adverse comment from concerned Government departments.

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

7.1 The Site is:

- (a) fenced off and mostly vacant; and
- (b) accessible to Shek Po Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to the north is a warehouse and to its immediate north is another warehouse under valid planning permissions;
- (b) to the east is Shek Po East Road; to its southeast is warehouse under valid planning permission;
- (c) to its south and southwest are various open storage yards for construction machinery and vehicles, and vehicle repairing workshop; and

- (d) to its immediate west are open storage, workshops and some residential dwellings (the closest one being about 21m 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 received 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) and GL. The OSALs are 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 Lot Nos. 625 and 626 in D.D. 124 ~~is~~ **are** covered by Short Term Waiver (STW) Nos. 319~~47~~ and 3195 respectively to permit structures for the purpose of “Storage, Repair Workshop and Ancillary Use”.
- (c) No permission is given for occupation of the GL included in the Site (about 482m<sup>2</sup> subject to verification). The act of occupation of GL without Government’s prior approval is not allowed.
- (d) No lease modification / land exchange application or building plan submission in relation to development at the Site was approved / being under processing.
- (e) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on Site, if any. 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. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. 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 rent 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 comments on the application from traffic engineering view point.
- (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/drainage.
- (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) He does not support the application as there are sensitive uses in the vicinity of the application site (the nearest residential dwelling being 21m away) (**Plan A-2**) and environmental nuisance is expected.
- (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'.

### **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) Should the application be approved, he would suggest that a condition should be stipulated requiring the applicant to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of the detailed comments in **Appendix V**.

### **Building Matters**

- 9.1.6 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 for the existing structures at the Site.
  - (b) The applicant should be reminded of the detailed comments in **Appendix V**.

### **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 fire services installations (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 him for approval.
  - (c) The applicant should be reminded of the detailed comments in **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 application for temporary use, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
  - (b) The Site falls within the boundary of Hung Shui Kiu/Ha Tsuen New Development Area (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 lot(s) concerned falls within the sites under Second Phase development 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 and subject to the necessary approval as required, the Government planned to acquire the relevant sites by end 2023 for the development of HSK/HT NDA.

### **District Officer's Comments**

- 9.1.9 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):
- (a) He has no comment on the application from departmental point of view.

- (b) 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 Comments Received During Statutory Publication Period**

On 2.3.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. The commenters raised concerns/objected to the application on reasons that the development will increase traffic flow and cause congestion, environmental pollution and fire risk, affecting the villagers' safety and quality of life (**Appendices IV-1 to 2**).

## **11. Planning Considerations and Assessment**

- 11.1 The application is for proposed temporary warehouse for storage of electronic goods for a period of 3 years at a site within an area zoned "R(A)2" on the OZP. 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, the implementation programme for this part of NDA is still being formulated, and PM(W) of CEDD has no objection to the temporary use for a period of 3 years at 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 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 There is no major adverse comment from concerned Government departments, except DEP who does not support the application because there are sensitive uses in the vicinity of the Site (the nearest one being 21m from the Site), and environmental nuisance is expected (**Plan A-2**). To address the concerns on the possible environmental nuisances or 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 any unauthorized development on the Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the surrounding areas.
- 11.4 The Site is involved in a previously approved application for open storage and workshop use when the Site was zoned "Open Storage" on the then OZP. The Committee has also approved three similar applications for warehouse use at the sites entirely / partly within the same "R(A)2" zone (**Plan A-1**). Approval of the current application is in line with the Committee's previous decisions.
- 11.5 There are two public comments received on the application during the statutory publication period as summarised 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 assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary warehouse for storage of electronic goods 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 **16.4.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation from 11:00 p.m. to 7:00 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 vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) 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 **16.1.2022**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 **16.10.2021**;
- (g) in relation to (f) 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 **16.1.2022**;
- (h) if any of the above planning conditions (a), (b), (c) or (e) 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
  - if any of the above planning conditions (d), (f) or (g) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

### Advisory clauses

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

- 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**

<b>Appendix I</b>	Application Form with annex and plans received on 22.2.2021
<b>Appendix Ia</b>	SI received on 22.2.2021 providing clarification on background information
<b>Appendix II</b>	Previous Application Covering the Site
<b>Appendix III</b>	Similar Applications Within the Same “R(A)2” Zone on the approved HSK&HT OZP
<b>Appendices IV-1 to 2</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape Plan
<b>Drawing A-4</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2021**