

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/313

- Applicant** : Mr. TANG Tai Tong represented by Metro Planning & Development Company Limited
- Site** : Lots 672 (Part), 673(Part) & 674(Part) in D.D. 125, Ha Tsuen, Yuen Long, N.T.
- Site Area** : about 1,800m²
- 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** : “Open Space” (“O”)
- Application** : Temporary Warehouse for Storage of Spare Parts and Recyclable Materials (Metal) 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 spare parts and recyclable materials (metal) for a period of 3 years (**Plan A-1a**). The Site falls within an area zoned “O” 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-4a to 4b**).
- 1.2 The Site is accessible from San Sik Road via local track with two ingress/egress points at the northwestern and southwestern parts of the Site (**Drawing A-2 and Plan A-2**). As shown on the layout plan at **Drawing A-2**, the site is divided into two storage units with the northern part to be used as warehouse for storage of spare parts mainly for fan and air-conditioning according to the applicant, while the southern part is for warehouse for storage of recyclable materials involving metal (cans and scrap metal) only. Both warehouses are of 1 storey not exceeding 6m with a combined GFA of not exceeding 558m². Two other temporary structures (4m and 6m high) for rain shelter, site office and toilet uses with a total GFA of 220m² are also proposed. One loading/unloading bay for light goods vehicles is respectively provided in each unit. According to the applicant, the operation hours are between 9:00 a.m. to 7:00

p.m. from Mondays to Saturdays. No operation will be held on Sundays and public holidays. The proposed landscape plan and drainage plan are shown at **Drawings A-3 and A-4** respectively.

1.3 In support of the application, the applicant has submitted the following document:

- (a) Application Form received on 20.5.2021 with drainage **(Appendix I)** proposal, estimated traffic generations and plans.

2. Justifications from the Applicant

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

- (a) The proposed development is temporary in nature for a period of 3 years and will not jeopardize the long-term planning intention of the current zoning.
- (b) Similar warehouses have been approved within the same “O” zone. Preferential consideration should be given to the current application.
- (c) Planning permissions have been given to storage of food provision at two adjoining sites (Applications No. A/HSK/282 and 296). The surrounding environment is mainly used for open storages and warehouses. The planning circumstance pertaining to the Site are similar to the recent approval of adjacent open storages and port back-up uses. The application is considered not incompatible with the surrounding environment.
- (d) The Site has been occupied for the applied use for a significant period of time. The application is submitted because the temporary structures on site are required to be regularized as informed by Squatter Control Unit of Lands Department. Insignificant environmental and noise impacts are envisaged as the applied use would not operate in sensitive hours and no open storage use will be carried out at the Site. Drainage impact will also be insignificant because surface U-channel will be provided at the Site.
- (e) The traffic impact is minimal as no medium and heavy goods vehicles exceeding 5.5 tonnes including container trailer/tractor will access the site.

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 Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

The Site is not the subject of any previous planning application.

6. Similar Applications

- 6.1 There are three similar applications (No. A/HSK/49, 282 and 296) for temporary warehouses for storage of food provision within the same “O” zone. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.2 These applications were respectively approved by the Committee on 2.3.2018, 22.1.2021 and 26.3.2021, on the considerations that approval of the applications on a temporary basis would not jeopardize the long-term development of the sites; the applied uses were generally not incompatible with the surrounding land uses; and no adverse comment from the concerned Government departments.

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

- 7.1 The Site is:
- (a) currently fenced off and used for the applied use without valid planning permission; and
 - (b) accessible from San Sik Road via local track.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its north are currently vacant sites. One of the vacant site with its neighbouring open storage yard of recyclable materials is the subject of an application for temporary open storage of recyclable materials (including metal and plastic) and construction materials and warehouses for storage of construction materials (No. A/HSK/311) scheduled for the consideration of the Committee at this meeting;
 - (b) to its west are various open storage yards for recyclable materials, including two under valid planning permissions, open storage yards of construction materials and vehicles; warehouse, vehicle repair workshop and some residential dwellings;
 - (c) to its immediate south are two warehouses for storage of food provision under valid planning permissions (No. A/HSK/282 and 296) and a residential dwelling (about 15m away) (**Plan A-2**); and
 - (d) to its immediate east is an open storage of recycling materials. The village settlement of San Wai is located further east.

8. Planning Intention

The planning intention of the “O” zone is 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 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 Scheduled 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) Should the application be approved, the lot owner(s) will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. 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/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and San Sik Road.

Environment

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

- (a) There was no 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 latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Drainage

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

- (a) No objection in principle to the proposed application from a drainage point of view. Should the application be approved, a condition should be stipulated 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. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out 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) 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 the detailed comments in **Appendix IV**.

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 IV**.

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 HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/NT 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 site 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 approvals as required, the government plans to acquire these relevant sites by end 2023 for the development of HSK/HT NDA.

Others

9.1.9 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site falls within “O” zone on the approved HSK and HT OZP No. S/HSK/2. It is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) He notes that the application involves private lots only and has no in-principle objection to the application.

District Officer’s Comments

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

- (a) He has no comment from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

9.2. The following Government departments have no objection to/no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

On 28.5.2021, 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 the reasons that the development will increase traffic flow and environmental nuisances and pose safety hazards to the villagers; failure to timely fulfill the approval conditions of the applications at the nearby sites; the proposed development not in line with the planning intention of “O” zone; and concern over the land contamination from the proposed development. (**Appendix III**).

12. Planning Considerations and Assessment

- 12.1 The application is for temporary warehouse for storage of spare parts and recyclable materials for a period of 3 years at a site zoned “O” on the OZP. The planning intention of the “O” zone is 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 applied use is not in line with the planning intention of the “O” zone, PM/W of CEDD and DLCS have no objection to the proposed temporary use 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.
- 12.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by open storage yards and warehouses.
- 12.3 Concerned government departments including C for T, DEP, CE/MN, DSD and D of FS have no objection to or no adverse comment on the proposed development. It is anticipated that the applied use would not generate significant traffic, environmental, drainage and fire safety impacts to the surrounding areas. 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 13.2 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.
- 12.4 There are three similar planning approvals for warehouse use within the same “O” zone on the OZP (**Plan A-1**). Approval of the subject application is in line with the Committee’s previous decisions.
- 12.5 Two public comments were received during statutory publication period as summarised in paragraph 11. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary warehouse for storage of spare parts and recyclable materials (metal) could be tolerated for a period of 3 years.
- 13.2 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 **9.7.2024**. 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) no goods vehicle exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, is 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 or reverse onto/from the public road at any time during the planning approval period;
- (e) the submission of a 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 **9.1.2022**;
- (f) in relation to (e) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **9.4.2022**;
- (g) in relation to (f) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 **9.1.2022**;
- (i) in relation to (h) 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 **9.4.2022**;
- (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 IV**.

- 13.3 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 "O" zone, which 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

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

- 14.2 Should the Committee decide to 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 20.5.2021 with drainage proposal, estimated traffic generations and plans;
Appendix II	Similar Applications Within the Same “O” Zone
Appendices III-1 to 2	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape Plan
Drawing A-4	Proposed Drainage Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JULY 2021**