

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/320

- Applicant** : Easy Growth Development (HK) Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 597 RP (Part), 599 RP, 601 RP, 602 (Part), 637 RP (Part), 638 RP, 639 RP, 648 RP, 649 RP, 650, 651, 652 (Part) and 653 RP in D.D. 124 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : About 6,000m² (including GL of about 140m² or about 2.3%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Commercial (3)” (“C(3)”) (about 50.9%);
[Restricted to a maximum plot ratio of 5 and a maximum building height of 140 mPD]
- “Residential (Group A)2” (“R(A)2”) (about 23.7%); and
[Restricted to a maximum plot ratio of 6 and a maximum building height of 120 mPD]
- Area shown as ‘Road’ (about 25.4%)
- Application** : Proposed Temporary Warehouse for Storage of Exhibition Materials 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 exhibition materials for a period of 3 years (**Plan A-1**). The Site straddles over “C(3)” (about 50.9%) and “R(A)2” (about 23.7%) zones and area shown as ‘Road’ (about 25.4%) 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. In any area shown as ‘Road’, all uses or developments require planning permission from the Board. The Site is currently mainly occupied by a vacant warehouse without valid planning permission (**Plan A-4**).
- 1.2 The Site is involved in two previous applications for open storage and warehouse uses (**Plan A-1**). The last application No. A/HSK/140 by a different applicant for the same applied use was approved with conditions by the Rural and New Town Planning

Committee (the Committee) of the Board on 12.4.2019 for a period of 3 years. However, the planning permission was subsequently revoked on 12.7.2021 due to non-compliance with time-specified approval conditions on implementation of the drainage proposal, and submission and implementation of fire service installations (FSIs) proposal.

- 1.3 The Site is accessible from Shek Po East Road and the ingress/egress point is at the north-east of the Site (**Plan A-2**). A temporary structures with a total floor area of about 4,320m² and building height ranging of 12m (1 storey) for warehouse use, and 5 other temporary structures for ancillary facilities, including site office, guardroom and toilet uses. One loading/unloading bay for medium goods vehicle (MGV) /heavy goods vehicle (HGV) is provided. The proposed development is intended for storage of exhibition materials such as booths, desks, tables and alike within the enclosed warehouse. The proposed layout plan, landscape plan, drainage plan and FSIs plan are at **Drawings A-1 to A-4**.
- 1.4 The major development parameters and layout of the current application are the same as those of the last approved application (No. A/HSK/140), and are recuperated below:

Major Development Parameters	Last Approved Application (A/HSK/140) (a)	Current Application (A/HSK/320) (b)
Applied Use	Temporary Warehouse for Storage of Exhibition Materials (3 years)	
Site Area	6,000 m ²	
No. of Structures	6	
Total Floor Area	4,922 m ²	
No. of Loading/Unloading Bay	1 for MGV/HGV	
Operation Hours	8:00 a.m. to 8:00 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 28.6.2021 (**Appendix I**)
 - (b) Further Information (FI) received on 6.8.2021 enclosing a FSIs proposal (**Appendix Ia**)
[exempted from publication and recounting requirements]

2. Justifications from the Applicant

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

- (a) The Site is subject to a previous planning permission (No. A/HSK140) for warehouse for storage of exhibition materials since 2019. The proposed development conforms

to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F) ¹.

- (b) The Site just adjoins a similar warehouse for storage of electronic goods with planning permission under application No. A/HSK/298 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.
- (c) 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 zonings. The proposed development will be terminated when the Government resumes the Site.
- (d) There will be 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.
- (e) The land owner terminated the tenancy with the previous tenant as he failed to comply with the approval conditions of the last planning permission No. A/HSK/140. The applicant of the current application, i.e. the current tenant, will comply with the approval conditions once it is approved by the Committee.

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 Applications

- 5.1 The Site is related to 2 previous applications (No. A/YL-HT/8 and A/HSK/140) for temporary open storage and warehouse uses. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 5.2 The 2 previous applications were approved with conditions by the Committee in 1996 and 2019 respectively on the considerations that the applied uses were not incompatible with the surrounding areas; generally in line with the then Town Planning Board Guidelines TPB PG-No. 13; and no major adverse comment from concerned Government departments.
- 5.3 The last application No. A/HSK/140 for the same applied use was approved with conditions by the Committee on 12.4.2019 for a period of 3 years. However, the planning permission was subsequently revoked on 12.7.2021 due to non-compliance

¹ TPB PG-No. 13F is not applicable to the applied warehouse use.

with time-specified approval conditions on the implementation of the drainage proposal, and submission and implementation of FSI's proposal.

- 5.4 Compared with the last application, the current application is submitted by a different applicant for the same use at the same site with the same development parameters and layout.

6. Similar Applications

- 6.1 There are three similar applications (No. A/HSK/18, 260 and 298) for warehouse use which fell 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 these applications were approved with conditions by the Committee between 2017 and 2021 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 mainly occupied by a vacant warehouse without valid planning permission; and
 - (b) accessible to Shek Po East Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north is an open storage yard and, to its further north are two warehouses under valid planning permissions;
 - (b) to the east is Shek Po East Road;
 - (c) to its south is the railway track of Tuen Ma Line; and
 - (d) to its immediate west is a warehouse; to its northwest are open storage, workshops and some residential dwellings (the closest one being about 102m away).

8. Planning Intentions

- 8.1 The planning intention of the "C" zone is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre. These areas are usually major employment nodes.
- 8.2 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) According to his record, there is no lease modification/land exchange application or building plan submission in relation to the development at the Site being approved/under processing.
- (c) The applicant should be reminded of the detailed comments at **Appendix V**.

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.

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

Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drainage.

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 three years.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize any potential environmental nuisance.

Drainage

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

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the Board be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

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 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 6.7.2021, 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, and 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 exhibition materials for a period of 3 years at a site within an area mainly zoned "C(3)" (about 50.9%) and "R(A)2" (about 23.7%) and shown as 'Road' (about 25.4%) on the OZP (**Plan A-1**). The planning intention of the "C" zone is primarily for commercial developments functioning as territorial business/financial centre and regional or district commercial/shopping centre; whereas the planning intention of the "R(A)" zone is primarily for high-density residential developments. Whilst the proposed use is not in line with the planning intentions of "C" and "R(A)" zones, 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 Relevant Government departments, including C for T, DEP and CE/MN, DSD have no objection to or no adverse comment on the application. The applied use will

unlikely create significant adverse traffic, environmental and drainage impacts to the surrounding areas. To minimize any potential environmental nuisances and to address the technical requirements of concerned Government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and any unauthorized development on the Site will be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental aspects of Temporary Uses and Open Storage Sites” in order to minimize the potential environmental impact.

- 11.4 The Site is the subject of two previously approved applications for open storage and warehouse uses. Compared with the last planning application (No. A/HSK/140) for the same applied use, there has been no major change in planning circumstances pertaining to the Site and the surrounding areas since the previous approval in 2019. Although the last planning approval was subsequently revoked on 12.4.2019 due to non-compliance with time-limited approval conditions on the implementation of drainage proposal and on the submission and implementation of FSIs proposal, the applicant has submitted drainage and FSIs proposals in the current application (**Drawings A-3 and A-4**), and CE/MN, DSD and D of FS have no adverse comment on the application. As such, sympathetic consideration may be given to the application. However, should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.
- 11.5 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.
- 11.6 There are two public comments raising concerns / objection received on the application during the statutory publication period as summarized in paragraph 10 above. The planning considerations and assessments in the above paragraphs are relevant.

12. Planning Department’s Views

- 12.1 Based on the 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 exhibition materials 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 **27.8.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation from 8:00 p.m. to 8:00 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 submission of a drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **27.11.2021**;
- (e) in relation to (d) above, the implementation of the drainage proposed 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 **27.2.2022**;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **27.11.2021**;
- (h) in relation to (g) above, the implementation of the 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 **27.2.2022**;
- (i) if any of the above planning conditions (a), (b), (c) 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; and
- (j) if any of the above planning conditions (d), (e), (g) or (h) 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 intentions of the "C" and "R(A)" zones which are primarily for commercial developments; and primarily for high-density residential developments. 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.
- 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 with annex and plans received on 28.6.2021
Appendix Ia	FI received on 6.8.2021
Appendix II	Previous Applications Covering the Site
Appendix III	Similar Applications Within the Same “R(A)2” Zone on the approved HSK&HT OZP
Appendices IV-1 to 2	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Proposed FSIs plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2021**