

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/327

- Applicant** : Mr. TO Chi Kin represented by Metro Planning & Development Company Limited
- Site** : Lots 2949 (Part), 2950 RP (Part) and 2956 (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : about 500m²
- 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** : “Government, Institution or Community” (“G/IC”)
[Restricted to a maximum building height of 8 storeys]
- Application** : Temporary Warehouse for Storage of Vehicle Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary warehouse for storage of vehicle parts for a period of 3 years (**Plan A-1a**). The Site falls within an area zoned “G/IC” on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use 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 under valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site was involved in 6 previous applications (No. A/YL-HT/320, 467, 654, 816 and 979 and No. A/HSK/104) for various temporary open storage or warehouse uses (**Plan A-1b**). The last application No. A/HSK/104 for temporary warehouse for storage of vehicle parts was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 16.11.2018 for a period of 3 years. All time-limited approval conditions were complied with. The current application is submitted by the same applicant with same site area with similar layout.
- 1.3 The Site is accessible from Lau Fau Shan Road via a local track with the ingress/egress point located at the northern boundary of the Site (**Drawing A-1**,

Plans A-2 and A-3). As shown on the proposed layout plan at **Drawing A-2**, 3 two-storey (not exceeding 7m high) temporary structures with a total floor area of about 660m² are proposed for storage and site office purposes. A manoeuvring circle of 12m diameter will be provided at the northern part of the Site. The operation hours of the Site are from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. No open storage and workshop activities are proposed at the Site. The proposed landscape and tree preservation plan and the as-built drainage plan are shown at **Drawings A-3 and A-4** respectively.

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

Major Development Parameters	Last Approved Application (A/HSK/104) (a)	Current Application (A/HSK/327) (b)	Difference (b) - (a)
Applied Use	Temporary warehouse for storage of vehicle parts for a period of 3 years	Temporary warehouse for storage of vehicle parts for a period of 3 years	Same
Site Area(m²)	500	500	Same
No. of Structures	2	3	+1
Total Floor Area (m²)	about 290	about 660	+370
No. of Loading/Unloading Bay	1 for light goods vehicle	1 for light goods vehicle	Same
Operation Hours	8:00 a.m. to 7:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays		Same

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

Application Form received on 21.7.2021 with plans and **(Appendix I)** estimated traffic generation

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:

- The Site is the subject of 6 previous approvals since 2003. The applied use of the current application is the same with that of the last approval and all the conditions of the last approval have been complied with. A fresh application is submitted as an additional structure is erected at the Site.
- The proposed development would not jeopardise the planning intention of “G/IC” zone as the proposed development is temporary in nature.
- The proposed development is compatible with the surrounding environment.
- Sympathetic consideration may be given to the present uses within the Hung Shui Kiu and Ha Tsuen New Development Area (NDA) until the Site is required for implementation of the NDA.

- (e) There is a shortage of land for port back-up uses in Ha Tsuen.
- (f) The operation hours are from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays and none on Sundays and public holidays. The environmental and noise impacts would be insignificant.
- (g) There will be minimal traffic impact and the drainage impact would be insignificant with the existing drainage facilities.

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 notices and sending notices to Ha Tsuen Rural Committee by registered mail. 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 Applications

- 5.1 The Site was involved in 6 previous applications (No. A/YL-HT/320, 467, 654, 816 and 979 and No. A/HSK/104) for temporary open storage or warehouse for used air conditioners, metal wares or vehicle parts (**Plan A-1b**), which were approved between 2003 and 2018 based on similar considerations as set out in paragraph 5.2 below. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 The last application No. A/HSK/104 for the same use as the current application for a period of 3 years was approved with conditions by the Committee on 16.11.2018 on the considerations that approval of the application on a temporary basis would not jeopardise the long-term development of the Site; the applied use was not incompatible with the surrounding areas; no major adverse comment from concerned Government departments; and approval of the application was in line with the Committee’s previous decisions. All time-limited approval conditions were complied with. Compared with the last application, the current application is submitted by the same applicant at the same site but with an additional structure for warehouse and site office uses.

6. Similar Application

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

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

- 7.1 The Site is:

- (a) currently fenced off and used for the applied use under valid planning permission; and
- (b) accessible from Lau Fau Shan Road via a local track.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are a logistics centre under valid planning permission, an open storage yard of construction materials, 2 sites of works in progress and a residential dwelling;
- (b) to its east is a vehicle repair workshop, and to the further east across Lau Fau Shan Road are some parking of vehicles and village houses of Sha Kong Wai and San Hing Tsuen;
- (c) to its south is an open storage yard of construction materials and machinery and further south is a logistics centre under valid planning permission. To its southeast is an open storage yard of scrap metal under valid planning permission; and
- (d) to its immediate west is a residential dwelling (**Plan A-2**). To its further west and southwest are 2 logistics centres, one of which is under valid planning permission.

8. Planning Intention

The planning intention of 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 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 an Old Schedule Agricultural Lot 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. Lot No. 2950 RP in D.D. 129 is partly covered by Short Term Waiver (STW) No. 2368 for the purpose of “Vehicle Repair Workshop”.
- (b) The applicant should be reminded of the detailed comments in **Appendix IV**.

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 or reverse onto/ from public roads.
- (c) The applicant should be reminded of the detailed comments in **Appendix IV**.

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

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/ drains.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan 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 Site (the nearest residential dwelling being to the immediate west of the Site) (**Plan A-2**).
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) 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) According to the applicant, the existing drainage facilities which was implemented under the approved application No. A/HSK/104 will be maintained for the subject development. She has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, a condition should be stipulated requiring the applicant to submit condition record of and to maintain the existing drainage facilities to the satisfaction of her Division.
- (c) The applicant should be reminded of the detailed comments in **Appendix IV**.

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 granted 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 service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, 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 for 3 years, 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 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 Remaining 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 Remaining Phase development will commence in 2030.

District Officer's Comment

9.1.9 Comment 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 feedback from the locals.

- 9.2 Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) has no objection to the application.

10. Public Comments Received During Statutory Publication Period

On 30.7.2021, 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 object to the application on the reasons that the development would increase the traffic flow, cause traffic congestion, environmental pollution and fire safety hazards to the villagers; and rejecting the brownfield uses would expedite the NDA development (**Appendices III-1 and 2**).

11. Planning Considerations and Assessment

- 11.1 The application is for temporary warehouse for storage of vehicle parts for a period of 3 years at the Site which is zoned “G/IC” on the OZP. The planning intention of 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. Whilst the applied use is not in line with the planning intention of the “G/IC” zone, PM/W of CEDD has no objection to the 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.
- 11.2 The applied use is not incompatible with the surrounding land uses which are predominantly used for open storage yards, vehicle repair workshops, logistics centres and parking of vehicles (**Plan A-2**).
- 11.3 Concerned government departments, including C for T, CE/MN, DSD and D of FS have no objection to or no adverse comment on the application, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being to the immediate west of the Site) (**Plan A-2**). However, there is no environmental complaint pertaining to the Site in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions are 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 There are 6 previous planning approvals for temporary open storage and warehouse uses at the Site (**Plan A-1b and Appendix II**). The last application (No. A/HSK/104) submitted by the same applicant for the same use as the current application was approved by the Committee on 16.11.2018. All the time-limited approval conditions were complied with. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Two public comments objecting to the application were received during statutory

publication period as mentioned in paragraph 10. 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 temporary warehouse for storage of 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 **10.9.2024**. 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 8:00 a.m. on Mondays to Saturdays, 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 workshop activities, as proposed by the applicant, are allowed on the Site during the planning approval period;
- (d) the existing drainage facilities on Site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on Site 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 **10.12.2021**;
- (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 **10.3.2022**;
- (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 **10.6.2022**;
- (h) if any of the above planning conditions (a), (b), (c) or (d) 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
- (i) if any of the above planning conditions (e), (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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following

reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intention 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not have adverse environmental impact on the surrounding areas.

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 and plans received on 21.7.2021
Appendix II	Previous Applications Covering the Site
Appendices III-1 and 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 and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**