

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

**APPLICATION NO. A/HSK/334**

- Applicant** : Hundred Years Engineering Limited (百年工程有限公司)
- Site** : Lots 3144 (Part), 3200 RP (Part), 3201 RP, 3206 RP, 3207 (Part) in D.D.129 and adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : 2,180m<sup>2</sup> (including GL of about 100m<sup>2</sup> or 4.6%)
- 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** : “Commercial (4)” (“C(4)”) (46.9%); and  
*[Restricted to maximum plot ratio (PR) of 3 and maximum building height (BH) of 50mPD]*  
an area shown as ‘Road’ (about 53.1%)
- Application** : Temporary Eating Place and Warehouse (Solar Energy Accessories and Construction Materials) with Ancillary Office 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 eating place and warehouse (solar energy accessories and construction materials) with ancillary office for a period of 3 years (**Plan A-1a**). The Site straddles over “C(4)” zone (46.9%) and an area shown as ‘Road’ (53.1%) on the approved HSK and HT OZP. According to the Notes of the OZP for the “C(4)” zone, ‘Eating Place’ is a Column 1 use but ‘Warehouse’ is neither Column 1 nor Column 2 use. However, 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. In any area shown as ‘Road’ on the approved HSK and HT OZP, all uses or developments require planning permission from the Board. The Site is currently being used for the applied use without a valid planning permission (**Plan A-2**).
- 1.2 The Site is related to 10 previous applications (No. A/YL-HT/130, 150, 180, 304, 438, 604, 799, 905, 1025 and A/HSK/189) for various open storage, workshop and

canteen uses (**Plan A-1b**). The last application No. A/HSK/189 for temporary open storage of containers and repair workshop with ancillary staff canteen was approved by the Rural and New Town Planning Committee (the Committee) of the Board for 3 years on 1.11.2019 but the planning permission was revoked on 1.10.2021 due to non-compliance with the time-limited condition on the implementation of fire service installations (FSIs) proposal.

- 1.3 The Site is accessible directly from Fung Kong Tsuen Road (**Drawings A-1 and A-2 and Plan A-2**). As shown on the proposed layout plan at **Drawing A-2**, the main ingress/egress is at the southeastern corner of the Site. Ten one- or two-storey structures with a total gross floor area (GFA) of 1,413m<sup>2</sup> including 4 structures (not exceeding 8m high) for office and warehouse uses, 4 structures (not exceeding 4m high) for shelter, eating place and water tank uses are provided. Four private car parking spaces and 3 loading/unloading spaces for light goods vehicles are provided. According to the applicant, the operation hours for the proposed warehouse are from 8:00 a.m. to 10:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays, while those for the proposed eating place are from 7:00 a.m. to 10:00 p.m. daily. The eating place will be open to the staff on the Site as well as outsiders. The proposed landscape plan, drainage plan and FSIs proposal are at **Drawings A-3, A-4 and A-5** respectively.
- 1.4 A comparison of the applied use and 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/189) (a)	Current Application (A/HSK/334) (b)	Difference (b) – (a)
Applied Use	Temporary Open Storage of Containers and Repair Workshop with Ancillary Staff Canteen for a Period of 3 Years	Temporary Eating Place and Warehouse (Solar Energy Accessories and Construction Materials) with Ancillary Office for a Period of 3 Years	Different uses
Site Area	2,180m <sup>2</sup>	2,180m <sup>2</sup>	Same
No. of Structures	9	10	+1 (a rain shed)
Total GFA	1,041m <sup>2</sup>	1,413m <sup>2</sup>	+372m <sup>2</sup> (+35.7%)
Height of Structures	1 storey (2.6m – 7m high)	1-2 storey (2.4m – 8m high)	+1 storey (+1 m)
No. of private car parking spaces	3	4	+1
No. of Loading/ Unloading Bays	3 (for light goods vehicles)	3 (for light goods vehicles)	No change
Operation Hours	8 a.m. to 8 p.m., Mondays to Saturdays, no operation on Sundays and public holidays	<u>Warehouse</u> : 8 a.m. to 10 p.m., Mondays to Saturdays, no operation on Sundays and public holidays; <u>Eating place</u> : 7 a.m. to 10 p.m. daily	+3 hours daily; and + Sundays and public holidays (for eating place only)

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

- (a) Application Form received on 29.9.2021 with drawings (Appendix I)
- (b) Supplementary Information (SI) received on 7.10.2021 clarifying the number of structures, GFA and covered/uncovered area with drawings (Appendix Ia)
- (b) Further Information (FI) received on 4.11.2021 further clarifying the number of structures, GFA and covered/uncovered area, with submission of estimated trip generation and a FSIs proposal (Appendix Ib)  
*[accepted and 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 in the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The applicant is handling with the issues of water supply to the Site for fire services, which will take some time to complete. The applicant pledges to comply with all the approval conditions including those related to fire service installations.
- (b) Application for a general restaurant licence for the applied eating place has been submitted to the Food and Environment Hygiene Department and it will take some time to complete. Sympathetic consideration is requested.

## 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 Ha Tsuen Rural Committee by registered post. 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 GL portion.

## 4. **Background**

The Site is currently not subject to planning enforcement action.

## 5. **Previous Applications**

- 5.1 The Site is related to 10 previous applications (No. A/YL-HT/130, 150, 180, 304, 438, 604, 799, 905, 1025 and No. A/HSK/189) for various open storage, repair workshop and canteen uses. All of these applications were approved with conditions by the Committee between 2000 to 2019 on the considerations that approval of the applications on temporary basis would not jeopardize the long-term development of the Site; the applied uses were not incompatible with the surrounding areas; the applied use would not generate adverse impacts; and the applications were generally

in line with the then Town Planning Board Guidelines No. 13. Among these approved applications, 3 were subsequently revoked due to non-compliance with the time-limited approval conditions. 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/189 for temporary open storage of containers and repair workshop with ancillary staff canteen for a period of 3 years was approved with conditions by the Committee on 1.11.2019. The planning permission was revoked on 1.10.2021 due to non-compliance with a time-limited approval condition on implementation of FSIs proposal. Compared with the last approved application, the current application is submitted by a different applicant for a different use at the same site.

## **6. Similar Applications**

There are 2 similar applications (No. A/HSK/163 and 312) within the same “C(4)” zone on the OZP for various temporary warehouse and logistics centre uses with or without canteen which were approved with conditions by the Committee on similar considerations as mentioned in paragraph 5.1 above. However, the permission for application No. A/HSK/163 was subsequently revoked due to non-compliance with a time-limited approval condition. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) currently being used for the applied use without a valid planning permission; and
- (b) accessible from Fung Kong Tsuen Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and further north are two vehicle service centres under valid planning permissions;
- (b) to its immediate east are vacant land, a refuse collection point, a canteen and a residential dwelling (about 29m away);
- (c) to its south and southeast across Fung Kong Tsuen Road are a vehicle repair workshop, some parking of vehicles, two storage yards, an open storage yard for construction materials, a workshop, a warehouse and a logistics centre under valid planning permission; and
- (d) to its west are a grave, a vehicle repair workshop and a logistics centre under a valid planning permission.

## **8. Planning Intention**

The planning intention of the “C(4)” 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.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application 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 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. The private lots are covered by Short Term Waivers for various purposes including storage and repair of containers and staff canteen.
- (b) Portions of the GL of about 65m<sup>2</sup> within the Site is held under Short Term Tenancy (STT) No. 2799 for the purpose of “temporary open storage of containers, repair workshop and staff canteen”. No permission has been given for occupation of the remaining GL (about 35m<sup>2</sup>) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (c) The applicant should be reminded of the detailed comments in **Appendix V**.

### **Traffic**

9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to or reverse onto/from public roads.

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

- (a) Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads and drains.
- (b) The applicant should be reminded of the detailed comments in **Appendix V**.

### **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) She has no objection in principle to the proposed development from the drainage point of view.
- (b) Should the application be approved, a condition should be stipulated requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of her 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 granted by the Building Authority (BA) for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments at **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. He considers the FSIs proposal in the FI received on 4.11.2021 (**Drawing A-5**) acceptable.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

### **Long Term Development**

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

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 stages, viz. First Phase, Second Phase and Remaining Phase Developments. The lot(s) concerned falls within a site 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.

### **Food and Environmental Hygiene**

9.1.9 Comments of the Director of Food and Environmental Hygiene (DEFH):

- (a) He has no adverse comments on the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

### **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 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 objection to the application:

## **10. Public Comments Received During Statutory Publication Period**

On 12.10.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals (**Appendices IV-1 to 2**). The commenters raise concerns/object to the application on the reasons that the proposed warehouse would likely increase the traffic flow and cause environmental degradation, traffic congestion, potential fire hazard, thereby affecting the safety and living quality of villagers; and there are concerns on the hygiene issues including separation of different activities on the Site, provision of toilets and hand washing facilities and drainage.

## **11. Planning Considerations and Assessments**

11.1 The application is for temporary eating place and warehouse (solar energy accessories and construction materials) with ancillary office for a period of 3 years at a site straddling over “C(4)” zone and an area shown as ‘Road’ on the approved HSK and HT OZP. The planning intention of the “C(4)” zone is primarily for commercial developments functioning as territorial business/financial centre and regional or district commercial/shopping centre. Whilst the applied use is not in line with the planning intention, PM/W of CEDD envisages that the site formation and engineering infrastructure works for this part of the NDA will commence in 2030. 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 located in an area which is predominantly occupied by vehicle servicing workshops, logistics centres and storage uses. The applied uses are not incompatible with the surrounding land uses (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments including C for T, CE/MN, DSD, D of FS and DEP. The applied use will unlikely cause significant adverse traffic, drainage, fire safety and environmental impacts to the surrounding area. To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned government departments, relevant 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 the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will 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 possible environmental impacts on the nearby sensitive receivers.
- 11.4 Ten previous planning approvals for various temporary storage, workshop and canteen uses at the Site were given. Compared with the last approved application No. A/HSK/189, the current application is submitted by a different applicant for a different use at the same site. In addition to the 10 previous planning approvals, there are 2 similar approvals within the same "C(4)" zone on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee's previous decisions.
- 11.5 Two public comments objecting the application were received during statutory publication period as summarised in paragraph 10. The planning considerations and assessments in the above paragraphs are relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the temporary eating place and warehouse (solar energy accessories and construction materials) with ancillary office 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 of 3 years until **26.11.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 10:00 p.m. and 8:00 a.m. for the warehouse use and between 10:00 p.m. and 7:00 a.m. for the eating place use, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays or public holidays for the warehouse use, as proposed by the applicant, is allowed on the Site during the planning approval period;



- (c) 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 **26.5.2022**;
- (d) in relation to (c) 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 **26.8.2022**;
- (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 implementation of the accepted fire service installations proposal within 9 months to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.8.2022**;
- (g) if any of the above planning conditions (a), (b) or (e) 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; and
- (h) if any of the above planning conditions (c), (d) or (f) 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.

#### Advisory clauses

The recommended advisory clauses are 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 "C(4)" zone which is primarily for commercial developments functioning as territorial business/financial centre and regional or district commercial/shopping centre. There is no strong justification given in the submission to deviate 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 received on 29.9.2021
<b>Appendix Ia</b>	SI received on 7.10.2021
<b>Appendix Ib</b>	FI received on 4.11.2021
<b>Appendix II</b>	Previous Applications Covering the Site
<b>Appendix III</b>	Similar Applications Within the Same “C(4)” Zone
<b>Appendices IV-1 to 2</b>	Public Comments
<b>Appendix V</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicle 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>Drawing A-5</b>	Fire Service Installations Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2021**