

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/336

- Applicant** : Ms. WONG Wai Chee represented by R-riches Property Consultants Limited
- Site** : Lot 2238 S.A RP (Part) in D.D. 124 and adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 752m² (including GL of about 61m² or about 8.1%)
- 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 B)3” (“R(B)3”)
[Restricted to a maximum plot ratio of 1.26, maximum site coverage of 40% and a maximum building height of 6 storeys over single-storey car park]

Application : Temporary Warehouse 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 a period of 3 years (**Plan A-1**). The Site falls within the “R(B)3” zone 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 occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is subject to a previous application (No. A/HSK/128) for the proposed warehouse (furniture storage) approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.2.2019 for a period of 3 years. However, the planning permission was subsequently revoked on 22.7.2021 due to non-compliance with a time-specified approval condition on implementation of fire service installations (FSIs) proposal (**Plan A-1**).
- 1.3 The Site is accessible via Tin Ha Road (**Plan A-2**). According to the applicant, one single storey structure for storage of beverage and one loading/unloading space for light goods vehicle (LGV) are proposed within the Site (**Drawing A-2**). No dismantling, assembling, repairing or other workshop activities will be carried out at the Site. Only 5 staff will be working at the Site and no visitors will be allowed. The

proposed layout plan, drainage plan and FSIs plan are at **Drawings A-1 to A-4**.

- 1.4 The major development parameters of the current application are generally the same as those of the last approved application (No. A/HSK/128), which are listed below:

Major Development Parameters	Last Approved Application (A/HSK/128) (a)	Current Application (A/HSK/336) (b)
Applied Use	Proposed Temporary Warehouse (furniture storage) (3 years)	Temporary Warehouse (3 years)
Site Area	752 m ²	
No. of Structure	1 (about 7.5m high, single storey)	
Total Floor Area	752 m ²	
No. of Loading/Unloading Bay	1 for LGV	
Operation Hours	8:00 a.m. to 8:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays	9:00 a.m. to 6:00 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)** 20.10.2021
- (b) Further Information (FI) received on 6.12.2021 for **(Appendix Ia)** clarification on background information
[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/HSK/128) for temporary warehouse use since 2019. Approval of the current application on temporary basis will not frustrate the long term intention of the current zoning.
- (b) There will be insignificant environmental, traffic, landscape and drainage impacts to the surrounding area. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental aspects of Temporary Uses and Open Storage Sites’ issued by Environmental Protection Department (EPD) to minimize adverse environmental impacts and nuisance. No dismantling, assembling, repairing or other workshop activities will be carried out at 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 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 GL portion.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

- 5.1 The Site is subject to a previous application No. A/HSK/128 for proposed temporary warehouse (furniture storage) approved with conditions by the Committee on 22.2.2019 for a period of 3 years on the considerations that the proposed use was not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardize the planning intention; and no major adverse comment from concerned Government departments. However, the planning permission was subsequently revoked on 22.7.2021 due to non-compliance with a time-specified approval condition on the implementation of FSIs proposal. Details of the application are summarized at **Appendix II** and its location is shown on **Plan A-1**.
- 5.2 Compared with the last application, the current application is submitted by the same applicant for warehouse use at the same site with the same development parameters and layout.

6. Similar Application

There is no similar application within the same “R(B)3” zone on the OZP.

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 the applied use without valid planning permission; and
 - (b) accessible from Tin Ha Road.
- 7.2 The surrounding areas have the following characteristics:
- (a) to the north are a warehouse, storage uses, workshops and some residential dwellings (the closest one being about 30m away). To the further northeast is a residential development (Parkview Garden);
 - (b) to the east are an open storage yard and a warehouse and office uses;
 - (c) to the immediate south is a warehouse; to the further south and southwest are a two-storey building for religious institution use (the Church of Jesus Christ of Latter – Day Saints (Hung Shui Kiu)) and Tin Ha Road Playground; and
 - (d) to the west are some storage uses and Ha Tsuen Rural Committee office; to its

further west across Tin Ha Road are warehouse, electricity sub-station, some residential dwellings and some sports facilities.

8. Planning Intention

The planning intention of the “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.

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 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 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):

- (a) Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads/ drains.
- (b) The access road connecting the Site with Tin Ha Road is not and will not be maintained by his office. HyD shall not be responsible for the maintenance of any access connecting the Site and Tin Ha 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 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 maintain the existing drainage facilities and submit condition record of the existing 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 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 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 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 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 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. The following government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Director of Electrical and Mechanical Services (DEMS).

10. Public Comments Received During Statutory Publication Period

On 29.10.2021, 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. One commenter raises concerns on the application as the Site was subject to a previous application for a similar warehouse use which was revoked due to non-compliance of approval condition on FSIs, and the Site being close to a playground and some residential dwellings; whilst the other commenter objects 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 III-1 to 2**).

11. Planning Considerations and Assessment

11.1 The application is for temporary warehouse for a period of 3 years at the Site within an area zoned "R(B)3" on the OZP (**Plan A-1**). The planning intention of the "R(B)" zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board. Whilst the applied use is not in line with the planning intention of "R(B)" 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 warehouses, storage uses and some temporary structures for residential dwellings (**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 involved in a previously approved application for warehouse use submitted by the same applicant. 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 22.7.2021 due to non-compliance with a time-limited approval condition on the implementation of FSIs proposal, the applicant has submitted FSIs proposal in the current application (**Drawing A-4**), and D of FS has no objection in principle to the application. As such, sympathetic consideration may be given to the current 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 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 temporary warehouse 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 **10.12.2024**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation from 6:00 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 dismantling, assembling, repairing or other workshop activities will be carried out, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities 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 **10.3.2022**;
- (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 **10.3.2022**;
- (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 **10.6.2022**;
- (i) if any of the above planning conditions (a), (b), (c), (d) 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
- (j) if any of the above planning conditions (f), (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 IV**.

- 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(B)" zone which is primarily for medium-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 20.10.2021
Appendix Ia	FI received on 6.12.2021
Appendix II	Previous Application Covering the Site
Appendices III-1 to 2	Public Comments
Appendix IV	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Proposed FSIs plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2021**