

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

**APPLICATION NO. A/HSK/337**

- Applicant** : Group Gain Land Development Limited represented by Ms HUI Hang Yu
- Site** : Lots 121 (Part), 123 S.A (Part), 123 S.B (Part) and 124 (Part) in D.D. 128 and adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : about 3,608m<sup>2</sup> (including GL of about 442m<sup>2</sup> or 12.25%)
- 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 3 storeys]*
- Application** : Proposed 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 proposed temporary warehouse (storage of metals) for a period of 3 years (**Plan A-1**). 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 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 open storage of recycling materials without valid planning permission (**Plan A-4**).
- 1.2 A very minor portion of the Site (about 1.3%) is included in a previous application (No. A/HSK/233) for a proposed temporary shop and services for a period of 3 years (**Plans A-1 and A-2**). The application was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 15.9.2020 but the planning permission was revoked on 15.9.2021 due to non-compliance with the time-limited conditions.
- 1.3 The Site is accessible from Kai Pak Ling Road with the ingress/egress point located at the south-western corner of the Site (**Drawings A-1 and A-2 and Plan A-2**). As shown on the proposed layout plan at **Drawing A-2**, a single-storey temporary

structure (13m high; GFA of about 2,205m<sup>2</sup>) for warehouse purpose and another 2-storey structure (6m high; GFA of about 400 m<sup>2</sup>) for ancillary office and guardroom are proposed. 2 private car parking spaces (each of 2.5m x 5m) and 3 loading/unloading spaces for light goods vehicles (3.5m x 7m) will be provided within the Site. The rest of uncovered area will be used for circulation purpose. According to the applicant, no workshop activities and no storage of combustible goods would be carried out in the Site. The operation hours of the applied use are from 8:00 a.m. to 8:00 p.m. on Mondays to Saturdays. There will be no operation on Sundays and public holidays.

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

- (a) Application Form received on 22.10.2021 with planning statement and drawings **(Appendix I)**
- (b) Supplementary Information received on 29.10.2021 clarifying the lots involved, the items for storage in the proposed warehouse, the nature and number of the temporary structures on the Site **(Appendix Ia)**

## **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 applied use is not incompatible with the surrounding areas where are mostly port back-up uses, open storage yards, warehouses and logistics centres.
- (b) The applicant is affected by land resumption for the NDA development and has to seek for a replacement site.
- (c) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD) to minimize all possible environmental impacts on the nearby sensitive receivers. No workshop activities including repairing, paint-spraying and cleansing of cars and no storage of combustible goods will be carried out at the Site. The operation of the applied use will not generate any pollutant.
- (d) Sufficient manoeuvring space is provided within the Site to ensure no queueing and turning back outside the Site onto the public road. The necessary transport operation will be arranged in day time to minimize impact on the local area.
- (e) Approvals had been given by the Board for developments within the same “G/IC” zone, including No. A/HSK/233 and A/HSK/291, both for proposed shop and services.

## **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 the Ha

Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members' inspection. The "Owner's Consent/Notification" Requirements under TPG PG-No.31A are not applicable to the GL portion.

#### **4. Background**

The Site is currently subject to an on-going planning enforcement action (**Plan A-2**) against an unauthorized development (UD) involving storage use (including deposit of containers). Enforcement Notice was issued on 23.9.2021 to the concerned parties requiring discontinuation of the UD.

#### **5. Previous Application**

5.1 A very minor portion of the Site (about 1.3 %) is included in a previous application (No. A/HSK/233) for a proposed temporary shop and services for 3 years (**Plans A-1 and A-2**). The application was approved with conditions by the Committee on 15.9.2020 mainly on the considerations that the proposed development was not incompatible with surrounding land uses; temporary approval would not jeopardize the long-term development of the area; and no adverse comments from relevant government departments. However, the planning permission was subsequently revoked on 15.9.2021 due to non-compliance with the time-limited conditions on the implementation of the drainage proposal and the submission and implementation of the fire services installations (FSIs) proposal. Details of the application are summarized at **Appendix II** and its location is shown on **Plans A-1 and A-2**.

5.2 Compared with the previous application, the current application is submitted by the same applicant for a different use on a much larger site.

#### **6. Similar Application**

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

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

7.1 The Site is:

- (a) currently used for open storage of recycling materials without valid planning permission; and
- (b) accessible from Kai Pak Ling Road.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast across Kai Pak Ling Road is a vegetated knoll with graves and scrubland. To its further northwest are some parking of vehicles and an open storage yard of converted containers;
- (b) to its east are residential dwellings of Fung Kong Tsuen (the nearest residential dwelling being about 3m away)(**Plan A-2**) mixed with vacant land and some storage uses;
- (c) to its south and southeast are a storage yard of vehicles, open storage yards of

respective recycling and construction materials, a vehicle repair workshop and a fish farm; and

(d) to its west across Kai Pak Ling Road is a vegetated knoll with graves.

## **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 (OSAL) and GL. The OSAL is 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. No permission is given for occupation of the GL. The act of occupation of GL without Government’s prior approval is not allowed.
- (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 and drains.
- (b) Kai Pak Ling Road is not and will not be maintained by her Office and

HyD shall not be responsible for the maintenance of any access connecting the Site and Kai Pak Ling Road.

### **Environment**

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

- (a) There was no substantiated environmental complaint pertaining to the Site received in the past 3 years.
- (b) Should the planning 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' ('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 application from a drainage point of view.
- (b) Should the application be approved, a condition should be stipulated requiring the applicant to submit a drainage proposal and 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):

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 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):

The Site falls within the boundary of Hung Shui Kiu/Ha Tsuen (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 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/Construction, WSD) has no objection to the application.

## **10. Public Comments**

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. The commenters objected to the application on the grounds that the proposed development will increase traffic flow, causing traffic congestion and environmental nuisances, and pose fire safety hazards to the villagers; and approving new brownfield uses could impede and delay the proposed development planning relating to the Northern Metropolis (**Appendices III-1 to 2**).

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

11.1 The application is for proposed temporary warehouse for a period of 3 years at the Site 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. The applied use is not in line with the planning intention of the "G/IC" zone. The applicant has not provided strong justifications in the submission for a departure from the planning intention, even on a temporary basis.

11.2 The Site is situated in an area in very close proximity to residential dwellings within the adjoining "V" zone of Fung Kong Tsuen to its east (the nearest residential dwelling being 3m away) (**Plan A-2**). Although there are some storage yards and workshop in the vicinity of the Site, they are mostly suspected unauthorised developments subject to enforcement actions by the Planning Authority or within the "Other Specified Uses" annotated "Port Back-up, Storage and Workshop Uses" zone at further south, where such uses are always permitted. The applied use involving a large-scale warehouse at a site of over 3,600m<sup>2</sup> and with floor area of about 2,605 m<sup>2</sup> and a warehouse structure of 13m high is considered excessive in scale and not compatible with the surrounding environment,

in particular the village cluster of Fong Kong Tsuen.

- 11.3 Other concerned government departments, including C for T, CE/MN, DSD, D of FS and DEP, have no objection to or adverse comment on the application.
- 11.4 A very minor portion of the Site (about 1.3%) is involved in a previous approved application (No. A/HSK/233) (**Plan A-2**) for a temporary shop and services. That previous application was of a different use and at a smaller scale (about 630m<sup>2</sup> of site area and with floor area of about 230m<sup>2</sup> only) and the applied use was not incompatible with the surrounding area. The approval of the previous application was subsequently revoked due to non-compliance with time-limited approval conditions. Moreover, there is no similar application within the same “G/IC” zone. The approved application (No. A/HSK/291) mentioned by the applicant (**Plan A-2**), which was for a different use of temporary shop and services, is not relevant for the consideration of the current application.
- 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 assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department does not support the application for the following reasons:
  - (a) the proposed use is not in line with the planning intention of the “G/IC” zone which 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. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
  - (b) the proposed development is excessive in scale and not compatible with adjacent village dwellings.
- 12.2 Alternatively, 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 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 workshop activities and no storage of combustible goods, 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.6.2022**;
- (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 **10.9.2022**;

- (e) in relation to (d) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (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 **10.6.2022**;
- (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 **10.9.2022**;
- (h) if any of the above planning conditions (a), (b) 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
- (i) if any of the above planning conditions (c), (d), (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**.

**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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application Form and plans received on 22.10.2021
<b>Appendix Ia</b>	SI received on 29.10.2021
<b>Appendix II</b>	Previous Application Covering the Site
<b>Appendices III-1 to 2</b>	Public Comments
<b>Appendix IV</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan with Previous Application
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos



**PLANNING DEPARTMENT  
DECEMBER 2021**