

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

APPLICATION NO. A/HSK/387

- Applicant** : Sense Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1835 (Part), 1840 (Part), 1841 S.B (Part), 1889 (Part), 1890 (Part), 1891 RP (Part), 1893 RP, 1894 (Part), 1895 RP (Part) and 1911 in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, N.T.
- Site Area** : About 6,360m² (including GL of 90m² or 1.4%)
- Land Status** : 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** : (i) “Residential (Group A)4” (“R(A)4”) (about 68.4%);
[Restricted to maximum plot ratio (PR) of 5 and maximum building height (BH) of 120mPD]
(ii) “Residential (Group A)3” (“R(A)3”) (about 12.2%);
[Restricted to maximum PR of 5.5 and maximum BH of 140mPD]
(iii) “Open Space” (“O”) (about 7%); and
(iv) Area shown as ‘Road’ (about 12.4%)
- Application** : Temporary Warehouse for Storage of Construction Machinery, Construction Material, Food and Electronic Goods for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction machinery, construction material, food and electronic goods for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area straddling “R(A)4” (68.4%), “R(A)3” (12.2%) and “O” (7%) zones and an area shown as ‘Road’ (12.4%) on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the zones 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 used for the applied use under valid planning permission (**Plans**

A-4a and A-4b).

- 1.2 The Site is accessible from Ping Ha Road via a local track (**Plans A-2 and A-3**) and the ingress/egress point is at its southern boundary. As shown on the layout plan at **Drawing A-2**, there are two single-storey structures with a total floor area of not exceeding 3,800m² for warehouse use (not exceeding 11m high) and 4 other single-storey structures (3 to 5m high) for ancillary facilities including pump room, toilet, store room and electricity meter room. 2 parking spaces for private cars and 2 loading/unloading spaces for container trailers are also provided. The operation hours are 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed vehicular access plan, proposed layout plan and as-built drainage plan submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in 10 previous planning applications (details at paragraph 5 below).
- 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/183) (a)	Current Application (A/HSK/387) (b)	Difference (b) - (a)
Applied Use	Temporary Warehouse for Storage of Construction Machinery, Construction Material, Food and Electronic Goods (3 Years)		--
Site Area	About 6,360m ²		no change
No. of Structure	5 (warehouse, site office, pump room and toilet)	6 (warehouse, pump room, electricity meter room, guard room and toilet)	+1
No. of Parking Spaces	Nil	2 for private cars	+2 for private cars
No. of Loading/Unloading Spaces	2 for container trailers		no change
Operation Hours	7:00 a.m. to 11:00 p.m., Mondays to Saturdays, no operation on Sundays and public holidays		--

- 1.5 In support of the application, the applicant has submitted an Application Form received on 24.6.2022 with annex and plans (**Appendix I**).

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 Site is the subject of a previous planning approval for the same use under application No. A/HSK/183. All planning conditions have been complied with. Due to the change in location of structures and GFA, the applicant submits a fresh planning application for the Board's consideration.
- (b) The Site is subject to 10 previous planning applications since 1996.

- (c) The proposed development is temporary in nature and would not jeopardize the long term planning intentions of the zoned uses.
- (d) Open storage and port back-up uses adjoining the Site were granted with planning permissions. As such, favourable consideration should be given to the current application.
- (e) Insignificant environmental, drainage and traffic impacts are envisaged.

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 Ha Tsuen Rural Committee. 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 any active planning enforcement action.

5. Previous Applications

- 5.1 The Site is involved in 10 previous applications (No. A/YL-HT/7, 128, 216, 380, 534, 716, 827, 993, A/HSK/70 and 183) for various temporary open storage and warehouse uses. All applications were approved with conditions by the Committee between 1996 and 2019 on the considerations that the applied uses would not jeopardise the long-term planning intention of the zoned uses; were not incompatible with the surrounding areas; being generally in line with the previous decision of the Board; and no major adverse comments from concerned government departments. However, the planning permissions for 4 of them (No. A/YL-HT/7, 128, 716 and A/HSK/70) were subsequently revoked due to non-compliance with 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/183 was approved with conditions by the Committee on 4.10.2019 for a period of 3 years. All time-limited approval conditions have been complied with. Compared with the last approved application, the current application is submitted by different applicant for the same use at the same site with similar layout and development parameters.

6. Similar Applications

There are 7 similar applications (No. A/HSK/31, 37, 105, 177, 225, 356 and 370) for various temporary warehouse and logistics centre uses within the same “R(A)4”, “R(A)3” and “O” zones in the past 5 years. All of these applications were approved with conditions by the Committee from 2017 to 2022 on similar considerations as mentioned in paragraph 5.1 above. However, 4 of these approvals (No. A/HSK/31, 37, 105 and 177)

were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Ping Ha Road via a local track; and
- (b) currently used for the applied use under valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and north-east are a warehouse and two logistics centres under valid planning permissions, and a warehouse with open storage of recycling materials which is a suspected unauthorized development (UD);
- (b) to its east are a warehouse under valid planning permission, and an open storage yard of scrap metal which is a suspected UD;
- (c) to its south are a warehouse and some parking of heavy vehicles uses which are suspected UDs; and
- (d) to its west are some open storage yards of recycling materials and construction materials which are suspected UDs and an open storage yard of recycling materials with workshop under valid planning permission.

8. Planning Intentions

- 8.1 The planning intention of the “R(A)” zone is primarily for high-density residential developments where 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.
- 8.2 The planning intention of the “O” zone is intended primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

9. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

10. Public Comment Received During Statutory Publication Period

On 5.7.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals (**Appendix V**) were received. An individual objects to the application on the grounds that the proposed development will increase traffic flow, cause traffic congestion and

environmental nuisance, and pose fire safety hazard to the villagers. The other individual expresses comments that the operators should be encouraged to relocate their operations for the implementation of the planned development at the Site.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of construction machinery, construction material, food and electronic goods for a period of 3 years at the Site falling within “R(A)4” (68.4%), “R(A)3” (12.2%) and “O” (7%) zones and an area shown as ‘Road’ (12.4%) on the OZP. The planning intention of the “R(A)” zone is primarily for high-density residential developments, whereas the planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the applied use is not in line with the above planning intentions, the Director of Leisure and Cultural Services has no in-principle objection to the application. Besides, the Project Manager (West), Civil Engineering and Development Department envisages that the site formation and engineering infrastructure works for this part of the New Development Area will commence in 2030, and has no objection to the application. 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 applied use is not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, warehouse and logistics centres (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments. It is anticipated that no significant adverse traffic, environmental, drainage and fire safety impacts would be generated from the applied use. To minimize any possible environmental impacts and nuisance on the surrounding areas, and to address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below.
- 11.4 In addition to 10 previous planning approvals for storage or warehouse uses at the Site (**Plan A-1b**), there are 7 approvals for similar applications within the same “R(A)4”, “R(A)3” and “O” zones on the OZP (**Plan A-1a**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Two public comments objecting to/expressing comments on the application were received during the 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, the Planning Department considers that the temporary warehouse for storage of construction machinery, construction material, food and electronic goods 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 **12.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the 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 **12.11.2022**;
- (c) 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 **12.2.2023**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.5.2023**;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 intentions of the "R(A)" and "O" zones, which are primarily for high-density residential developments, and for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. 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 received on 24.6.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
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
AUGUST 2022**