

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

**APPLICATION NO. A/HSK/390**

- Applicant** : Skywin International Development Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1827 S.B (Part), 1827 S.B ss.1, 1828 (Part), 1843 (Part), 1844 (Part), 1845 (Part), 1846 (Part), 1848 and 1849 (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 5,748 m<sup>2</sup> (including GL of about 1,520m<sup>2</sup> or 26.4%)
- 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)3” (“R(A)3”) (about 78.6%);  
[Restricted to maximum plot ratio (PR) of 5.5 and maximum building height (BH) of 140mPD]  
(ii) “Residential (Group A)4” (“R(A)4”) (about 10.3%); and  
[Restricted to maximum PR of 5 and maximum BH of 120mPD]  
(iii) “Open Space” (“O”) (about 11.1%)
- Application** : Temporary Warehouse for Storage of Spare Parts and Adblue for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of spare parts and adblue for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area zoned “R(A)3” (78.6%), “R(A)4” (10.3%) and “O” (11.1%) 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. The Site is currently used for the applied use with valid planning permission (**Plans A-4a to A-4b**).
- 1.2 The Site is accessible from Ping Ha Road via a local track (**Drawing A-1 and Plans A-2 and A-3**) and the ingress/egress point is at the eastern part of the Site. As

shown on the layout plan at **Drawing A-2**, there is a 10m high single-storey temporary structure (with a floor area of not exceeding 3,560m<sup>2</sup>) for warehouse purpose at the major portion of the Site. There are also 7 other temporary structures at other parts of the Site for ancillary uses, including site offices, toilets, electricity meter rooms, guard room, water tank and pump room (3m to 4.5m high). Two parking spaces for private car and 2 loading/unloading spaces for medium/heavy goods vehicles are provided. According to the applicant, the operation hours are from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed landscape and tree preservation plan, the as-built drainage plan and the fire service installations (FSIs) proposal submitted by the applicant are shown on **Drawings A-3 to A-5**.

- 1.3 The Site is involved in 18 previous planning applications (details at paragraph 5 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with annex and plans received on 7.7.2022 **(Appendix I)**
  - (b) Further information (FI) received on 5.8.2022 **(Appendix Ia)**  
*[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) For the last approved planning application No. A/HSK/225, the applicant had complied with all approval conditions except the implementation of FSIs proposal. The water connection work is still in progress which can only be finished by the end of 2022.
- (b) The development conforms with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site has been subject to a number of previous planning permissions for open storage and port back-up uses since 1996.
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the zones.
- (d) The adjoining areas are occupied for open storage and port back-up uses which make the applied use not incompatible with the surrounding environment. Most of them were granted with planning permissions.
- (e) There is a shortage of land for port back-up uses in Ha Tsuen.
- (f) There are sufficient mitigation measures and the impacts to the environment, traffic and drainage are expected to be insignificant as the applied use is housed within enclosed structures and surface U-channel has been provided.

### **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 Ping Shan 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 planning enforcement action.

### **5. Previous Applications**

5.1 The Site is the subject of 18 previous applications (No. A/YL-HT/2, 7, 171, 188, 211, 223, 233, 477, 507, 539, 570, 632, 662, 733, 811 and 928 and A/HSK/31 and 225) for various temporary open storage, recycling centre, logistics centre, public vehicle parking and warehouse uses covering different extents of the Site. 12 of these applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) between 1996 and 2020 on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines TPB PG-No. 13E and no major adverse comments from concerned government departments. Amongst these, 7 planning permissions (No. A/YL-HT/7, 477, 507, 539, 570, 662 and A/HSK/31) were subsequently revoked due to non-compliance with time-specific approval conditions. Six earlier previous applications (No. A/YL-HT/2, 171, 188, 211, 223 and 233) were rejected between 1995 and 2002 on the grounds that the development was not in line with the planning intention of the then zonings covering the Site, had adverse impacts on the surrounding area and would create undesirable precedents for similar applications. 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/225 for the same applied use under the current application was approved with conditions by the Committee on 26.6.2020 for a period of 3 years with validity up to 26.6.2023. All time-limited approval conditions have been complied with except the one on the implementation of the FSIs proposal. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with the same layout.

### **6. Similar Applications**

6.1 There are 5 similar applications (No. A/HSK/37, 70, 177, 183 and 370) for temporary warehouse within the same “R(A)3”, “R(A)4” and “O” zones on the OZP in the past 5 years. All applications were approved with conditions by the Committee on similar considerations as mentioned in paragraph 5.1 above. However, 3 of these approvals (No. A/HSK/37, 70 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 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 with valid planning permission.

**7.2 The surrounding areas have the following characteristics:**

- (a) to its north is an open storage yard of construction materials which is a suspected unauthorized development (UD). Further north is a site for parking of vehicles under valid planning permission;
- (b) to its east is Tin Ying Road;
- (c) to its south is a warehouse cum open storage yard of recycling materials which is a suspected UD. Further south is an open storage yard under valid planning permission; and
- (d) to its northwest, west and southwest are an open storage yard of containers, a logistics centre and 2 warehouses, which are all under valid planning permissions.

**8. Planning Intention**

The planning intention of the “R(A)” zone is primarily for high-density residential developments, whereas that of the “O” zone is primarily for the provision of outdoor open-air public space of 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 comments 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 15.7.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from two individuals were received (**Appendices V-1 to V-2**) objecting to the application on the grounds that the applied use will increase traffic flow, cause traffic congestion and environmental nuisance, pose fire safety hazard to the villagers and adversely affect their living quality; and the applicant should not be granted with another approval as the approval conditions under the previous application have not been all complied with.

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

- 11.1 The application is for temporary warehouse for storage of spare parts and adblue for a period of 3 years at the Site falling within an area zoned “R(A)3” (78.6%), “R(A)4” (10.3%) and “O” (11.1%) on the OZP. The planning intention of the “R(A)” zone is primarily for high-density residential developments, whereas that of the “O” zone is primarily for the provision of outdoor open-air public space of active and/or passive recreational uses. Whilst the applied use is not in line with the above planning intentions, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) and the Director of Leisure and Cultural Services (DLCS) have 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 used for open storage yards, warehouses and logistics centres with most of them covered by valid planning permissions (**Plan A-2**).
- 11.3 For the last approved previous application (No. A/HSK/225), one of the two time-limited approval conditions had been complied with and efforts had been made to comply with the remaining condition on the implementation of FSIs proposal. The applicant has submitted a FSIs proposal in support of the current application and the Director of Fire Services has no objection to the application. In this regard, sympathetic consideration may be given to the application. 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.
- 11.4 There is no adverse comment from the concerned government departments including Director of Environmental Protection, Chief Highway Engineering/New Territories West of Highways Department and Chief Engineer/Mainland North of Drainage Services Department on the application. The applied use would unlikely create significant adverse environmental, traffic and drainage impacts to the surrounding area. To address the technical requirements of the concerned government departments, relevant approval conditions have been recommended in paragraph 12.2 below.
- 11.5 In addition to 12 previous planning approvals for various temporary open storage, recycling centre, logistics centre, public vehicle parking and warehouse uses at the Site (**Plan A-1b**), there are 5 approvals for similar applications within the same “R(A)3”, “R(A)4” and “O” zones on the OZP (**Plan A-1a**). Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Two public comments objecting 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 spare parts and adblue 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 **26.8.2025**. 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 **26.11.2022**;
- (c) the submission of a revised 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 **26.2.2023**;
- (d) in relation to (c) above, the implementation of the revised 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 **26.5.2023**;
- (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 of active and/or passive recreational uses respectively. 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**

<b>Appendix I</b>	Application Form received on 7.7.2022
<b>Appendix Ia</b>	FI received on 5.8.2022
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-2</b>	Public Comments
<b>Drawing A-1</b>	Location Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape and Tree Preservation plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Drawing A-5</b>	Fire Service Installations Layout Plan
<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  
AUGUST 2022**