

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

APPLICATION NO. A/HSK/424

<u>Applicant</u>	: Easy Growth Development (HK) Co., Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 25 (Part), 26 (Part), 27 (Part), 28 (Part), 29, 30, 31, 32 (Part), 33 (Part), 34 (Part), 36 (Part), 70 (Part), 76 (Part), 77 (Part), 78 S.A (Part), 80 (Part) and 82 (Part) in D.D. 124 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories.
<u>Site Area</u>	: 9,293 m ² (about) (including GL of about 22m ² or 0.2%)
<u>Land Status</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
<u>Zonings</u>	: (i) “Village Type Development” (“V”) (about 94%); and [Restricted to maximum building height of 3 storeys (8.23m)] (ii) “Open Space” (“O”) (about 6%)
<u>Application</u>	: Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls mainly within an area zoned “V” (about 94%) with a minor portion within “O” zone (about 6%) 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). The Site is currently used for a warehouse without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Tin Ha Road via a local track (**Plans A-2 and A-3**) and the ingress/egress point is at the northeastern side of the Site. As shown on the submitted layout plan at **Drawing A-2**, a two-storey temporary structure (with a floor area of about 9,570m²; about 11m high) for warehouse use is provided at the major portion of the Site; and four other one to two-storey structures (5m to 8m

high with a total floor area of 586m²) are proposed at the northeastern and northwestern portions of the Site for ancillary uses/facilities including site office, caretaker's office and toilet, pump room and rain shelter purposes. Five parking spaces for private cars, two loading/unloading spaces for medium goods vehicles (MGVs) and one loading/unloading space for container vehicle are provided. According to the applicant, the operation hours are from 9:00 a.m. to 6:00 p.m. on Mondays to Saturdays and there is no operation on Sundays and public holidays. The vehicular access plan and proposed layout plan submitted by the applicant are shown on **Drawings A-1** and **A-2** respectively.

- 1.3 In support of the application, the applicant has submitted an application form with attachments received on 16.11.2022 (**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 summarised as follows:

- (a) The Site has been occupied for brownfield uses since the late 1980s. The applied development is temporary in nature and would not jeopardise the long-term planning intention of the zoned uses.
- (b) Approvals have been given by the Board to a similar application for warehouse in the surrounding area of the Site.
- (c) The applied development is compatible with the surroundings which is mainly surrounded by open storage, vehicle repair workshop, warehouse and logistic centre.
- (d) The applied development will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures will be provided once the planning approval is granted by the Board.

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 publishing newspaper notice. 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 not subject to any active planning enforcement action. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be undertaken.

5. Previous Application

The Site does not involve any previous application.

6. Similar Application

There is a similar application No. A/HSK/351 for temporary warehouse for storage of food provision and electronic goods and shop and services use involving the same “V” and “O” zones on the OZP. The application was approved with conditions by the Committee on 28.1.2022 on the considerations that approval of the application would not jeopardise the long-term development of the site; the applied uses were not incompatible with the surrounding areas; and no major adverse comments from concerned government departments. Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tin Ha Road via a local track; and
- (b) currently used for a warehouse without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are a warehouse under valid planning permission, and an open storage yard of construction materials and heavy vehicles which is suspected unauthorized development (UD);
- (b) to its east and northeast are some open storage yards, vehicle repair workshops, parking of vehicles and storage facilities which are all suspected UD, To its southeast are a warehouse, a wood factory and an open storage yard which are all suspected UD;
- (c) to its south is a piece of vacant land and a works site. To its southwest are a vehicle services centre and a vehicle park which are both suspected UD; and
- (d) to its west is a warehouse under valid planning permission. Further northwest is a warehouse which is a suspected UD.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House (SH) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services.
- 8.2 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.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other 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.

9.2 The following government department has adverse comment on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

he has grave concern on the application given that there are unauthorized building works and/or uses on the Site which are subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD.

10. Public Comment Received During Statutory Publication Period

On 25.11.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual (**Appendix V**) was received providing views that approving the current application would delay the development of open space and whether there is plan to resume the Site for public housing development.

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse (excluding dangerous goods godown) for a period of three years at the Site mainly zoned “V” and partly zoned “O” on the OZP. Whilst the applied use is not in line with the planning intention of the “V” and “O” zones, DLO/YL, LandsD advises that there is no SH application approved or under processing at the Site, whereas Director of Leisure and Cultural Services has no objection to the application and advises that there is no plan to develop the Site into public open space at present. In this regard, approval of the application on a temporary basis of three years would not jeopardize the long-term development of the Site.

11.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, warehouses, vehicle services and workshop uses (**Plan A-2**).

11.3 There is no adverse comment from the concerned government departments, except DLO/YL of LandsD. DLO/YL of LandsD expresses concern on the application as there are unauthorized building works at the Site. In this regard, the lot owner(s) should remedy the lease breaches as demanded by LandsD or apply to LandsD to permit the structures to be erected or regularise any irregularity. In addition, to minimise 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. Any non-compliance with these approval conditions would result in revocation of the planning permission and any UD on the Site would be subject to planning enforcement action. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the surrounding areas.

- 11.4 There is a similar application involving the same "V" and "O" zones on the OZP approved for temporary warehouse and shop and services uses. Approval of the current application is in line with the Committee's previous decision.
- 11.5 There is a public comment received as summarised in paragraph 11 above. The planning assessments provided above in paragraphs 12.1 to 12.4 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 comment mentioned in paragraph 10, the Planning Department considers that the proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities could be tolerated for a period of three 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 **13.1.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) 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 **13.7.2023**;
- (b) in relation to (a) 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 **13.10.2023**;
- (c) in relation to (b) above, the implemented drainage facilities on Site shall be maintained at all times during the planning approval period;
- (d) 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 **13.7.2023**;
- (e) in relation to (d) 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 **13.10.2023**;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 "V" and "O" zones, which are primarily for development of Small Houses by indigenous villagers, 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 with Attachments received on 16.11.2022
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2023**