

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/437

- Applicant** : Chun Lik Construction Engineering Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 625, 626 (Part), 627 and 628 in D.D. 124 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,990m² (including GL of about 470m² or 11.8%)
- 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 A) 2” (“R(A)2”)
[Restricted to a maximum plot ratio of 6 and a maximum building height of 120mPD]
- Application** : Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for a temporary warehouse for storage of exhibition materials for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “R(A)2” on the OZP. The applied use is neither a Column 1 nor Column 2 use in the “R(A)2” zone. 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 zones requires planning permission from the Town Planning Board (the Board). The Site is currently used for warehouse and vehicle repair workshop without valid planning permission.
- 1.2 The Site is accessible from Shek Po Road via a local track and the ingress/egress point is at the western part of the Site (**Drawing A-1 and Plan A-2**). As shown on the layout plan in **Drawing A-2**, there will be a single storey temporary structure (13m high, floor area of 2,560m²) for warehouse use and three temporary structures for ancillary facilities, including site office, toilet and electricity meter room. There will be two loading/unloading spaces for medium/heavy goods vehicles (MGVs/HGVs) (each of 11m x 3.5m). The proposed operation hours are from

7:00 a.m. to 11:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the access leading to the Site, the proposed layout, proposed drainage facilities and proposed fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in two previous planning applications for open storage or temporary warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board in 1998 and 2021 (details at paragraph 5 below).
- 1.4 Compared with the last application No. A/HSK/298 approved by the Committee on 16.4.2021, the current application is submitted by the same applicant for the same warehouse use at the same site with a different layout. A comparison of the major development parameters of application No. A/HSK/298 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/298) (a)	Current Application (A/HSK/437) (b)	Difference (b) - (a)
Applied Use	Proposed temporary warehouse for storage of electronic goods	Temporary warehouse for storage of exhibition materials	--
Site Area	About 3,990m ²		no change
Total Floor Area	2,850m ²	Not more than 2,765m ²	-85m ² (-3%)
No. of Structures	3 (warehouse, ancillary site office and toilet)	4 (warehouse, ancillary site office, toilet and electricity meter room)	+1 (+33.3%)
Building Height	3.5 to 13m		--
No. of Loading/ Unloading Spaces	1 for MGV 1 for HGV	2 for MGV/HGV	--
Operation Hours	<ul style="list-style-type: none"> 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays 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 Attachments received on 27.2.2023 **(Appendix I)**
- (b) Supplementary Information (SI) received on 3.3.2023 **(Appendix Ia)**
- (c) Further Information (FI) received on 23.5.2023* **(Appendix Ib)**
- (d) FI received on 5.7.2023* **(Appendix Ic)**

*[*Accepted and exempted from publication and recounting requirements]*

- 1.6 At the request of the applicant, the Committee on 21.4.2023 agreed to defer a decision on the application for two months.

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ic**. They can be summarised as follows:

- (a) The Site is the subject of previous planning approvals under applications No. A/YL-HT/59 and A/HSK/298 and conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)¹.
- (b) The proposed development is compatible with adjoining areas which are occupied by warehouses. The planning circumstances pertaining to the Site are similar to those of the adjacent warehouses with planning permissions granted.
- (c) The proposed use would be terminated if the Government resumes the Site and would not jeopardise the long-term planning intention of the “R(A)2” zone.
- (d) The proposed use is intended for storage of exhibition materials such as desk and kiosk in an enclosed warehouse. No operation will be held during sensitive hours. The impacts on the environment, traffic and drainage are therefore expected to be insignificant.
- (e) The applicant has submitted drainage and fire service installations proposals to support the application and will comply with the planning conditions.

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 the notice to the Ping Shan Rural Committee by registered post. 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 the subject of two previous applications (No. A/YL-HT/59 and A/HSK/298) for open storage or temporary warehouse uses approved by the Committee in 1998 and 2021. Details of the previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-1**
- 5.2 The previous application No. A/YL-HT/59 for open storage of construction machinery, repair workshop and ancillary office was approved with conditions by

¹ TPB PG-No. 13G was promulgated by the Board on 14.4.2023 which is not applicable to warehouse use under the current application.

the Committee on 25.9.1998 on the considerations that the applied use was not incompatible with the surrounding areas; and there was no significant adverse impact anticipated.

- 5.3 The last application No. A/HSK/298 for proposed temporary warehouse for storage of electronic goods for a period of three years was approved with conditions by the Committee on 16.4.2021 on the considerations that it would not jeopardise the long-term development; the applied use was not incompatible with the surrounding areas; and there was no significant adverse impact. However, the planning approval was subsequently revoked on 16.1.2023 due to non-compliance with time-limited approval conditions regarding the implementation of the drainage proposal and the submission and implementation of the FSI's proposal.

6. Similar Applications

There are three similar applications (No. A/HSK/140, 260 and 320) for temporary warehouse use within/straddling the same "R(A)2" zone on the OZP. All of them were approved with conditions by the Committee between 2019 and 2021 on similar considerations as mentioned in paragraph 5.3 above but their planning approvals were subsequently revoked in 2021 and 2023 due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Shek Po Road via a local track; and
- (b) used as warehouse for exhibition materials and vehicle repair workshop without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north are warehouses which are suspected unauthorized developments (UDs);
- (b) to its east is Shek Po East Road and Hung Tin Road;
- (c) to its south and southwest are some warehouses, an open storage yard of vehicles and a vehicle repair workshop which are all suspected UD's; and
- (d) to its west are an open storage yard of construction materials which is suspected UD, some workshops and a residential dwelling (about 21m away).

8. Planning Intention

The planning intention of the "R(A)" zone is primarily for high-density residential developments. 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.

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 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.

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

Environment

9.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling being 21m away from the Site) (**Plan A-2**) and the use of heavy vehicles is involved. Therefore, environmental nuisance is expected;
- (b) there was no environmental complaint pertaining to the Site received in the past three years; and
- (c) his advisory comments are provided in the Recommended Advisory Clauses in **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 7.3.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received objecting to the application on the reasons that the applied use is not in line with the planning intention; previous application was revoked due to non-compliance with approval conditions; and the applied use would increase fire risk (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for a temporary warehouse for storage of exhibition materials for a period of three years at the Site zoned “R(A)2” on the OZP. Whilst the proposed use is not in line with the planning intention of “R(A)” zone, the Project Manager (West), Civil Engineering and Development Department has no objection to the proposed temporary warehouse at the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. 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 proposed use is considered not incompatible with the surrounding areas which are predominantly warehouses, open storage yards and workshops (**Plan A-2**).

- 11.3 There is no adverse comment from concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 21m away) (**Plan A-2**), and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected. However, there was no environmental complaint against the Site over the past three years. The proposed use is for storage of exhibition materials in an enclosed structure. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the surrounding areas. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Site is involved in a previous approved application (No. A/HSK/298) for the same applied use. Although the planning permission was revoked on 16.1.2023 due to non-compliance with time-limited approval conditions regarding the implementation of the drainage proposal and the submission and implementation of the FSIs proposal, the applicant has submitted a revised FSIs proposal and a revised drainage proposal in the current application. The Director of Fire Services and the Chief Engineer/Mainland North, Drainage Services Department have no in-principle 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 again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.
- 11.5 Apart from the previously approved application for the same warehouse use at the Site, the Committee has approved three similar applications entirely/partly within the same “R(A)2” zone on the OZP (**Plan A-1**) between 2019 and 2021. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 One public comment objecting to the application was received during the public inspection period as stated in paragraph 10 above. The departmental comments and planning assessments in paragraphs 11.1 to 11.5 above 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 temporary warehouse for storage of exhibition materials 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 three years until **14.7.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of

Drainage Services or of the Town Planning Board by **14.4.2024**;

- (b) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (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 **14.1.2024**;
- (d) in relation to (c) above, the implementation of the revised 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 **14.4.2024**;
- (e) if the above planning condition (b) is not complied with during the planning 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 (a), (c) or (d) is not complied with by the 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 proposed use is not in line with the planning intentions of the "R(A)2" zone, which is primarily for high-density residential developments. There is no strong planning justification in the submission for a departure from the planning intention, 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
27.2.2023

Appendix Ia	SI received on 3.3.2023
Appendix Ib	FI received on 23.5.2023
Appendix Ic	FI received on 5.7.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Proposed FSIs Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2023**