

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/448

- Applicant** : Easy Growth Development (HK) Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 597 RP (Part), 599 RP, 601 RP, 602 (Part), 637 RP (Part), 638 RP, 639 RP, 648 RP, 649 RP, 650, 651, 652 (Part) and 653 RP in D.D. 124 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : About 6,000m² (including GL of about 140m² or 2.3%)
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Commercial (3)” (“C(3)”) (about 50.9%);
[Restricted to a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 140mPD]
- “Residential (Group A)2” (“R(A)2”) (about 23.7%); and
[Restricted to a maximum PR of 6 and a maximum BH of 120mPD]
- Area shown as ‘Road’ (about 25.4%)
- Application** : Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of exhibition materials for a period of three years (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), while all uses or developments within areas shown as ‘Road’ also require planning permission from the Board. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Shek Po Road East and the ingress/egress point is at the northeastern of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, there will be one temporary structure (12m/ one-to-two-storey high) for warehouse use with a floor area of about 4,800m² for storage of exhibition materials such as booths and tables. There will also be five other temporary structures with a total

floor area of about 602m² and BHs ranging from 1 to 2 storeys (from 3m to 10m) for site office, rain shelter, water tank and pump room, guardroom and toilet uses. One loading/unloading (L/UL) space is provided for medium/ heavy goods vehicle (MGV/HGV) (**Drawing A-1**). The operation hours are from 8:00a.m. to 8:00p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The layout plan, drainage plan and fire service installations (FSIs) plan submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of three previous applications including two applications for temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2021 respectively (details at paragraph 5 below). Compared with the last previous application No. A/HSK/320, the current application is submitted by the same applicant at the same site with similar layout but with the addition of a cockloft within the warehouse structure. Comparison of the major development parameters are summarised as follows:

Major Development Parameters	Previous Application (No. A/HSK/320) (a)	Current Application (No. A/HSK/448) (b)	Difference (b) - (a)
Applied Use	Temporary Warehouse for Storage of Exhibition Materials (3 years)		No change
Site Area	6,000m ²		No change
No. of Structures	6		No change
Site Coverage	78.28%		No change
Total Floor Area	4,922m ²	5,402m ²	+ 480m ² (+9.8%)
No. of L/UL Space	1 for MGV/HGV (11m x 3.5m)		No change

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

- (a) Application Form received on 18.4.2023 **(Appendix I)**
- (b) Supplementary Information (SI) received on 21.4.2023 **(Appendix Ia)**
- (c) Further Information (FI) received on 16.5.2023 **(Appendix Ib)**
- (d) FI received on 1.12.2023 enclosing the revised FSIs plan **(Appendix Ic)**

[Item (c) accepted and not exempted from publication requirements and item (d) accepted and exempted from publication requirements]

- 1.5 On 14.7.2023 and 27.10.2023, at the request of the applicant, the Committee agreed to defer making a decision on the application for two months respectively to allow time for the applicant to address departmental comments.

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 subject to previous planning permissions for warehouse since 2019. The applied use conforms to the Town Planning Board Guidelines for Application

for Open Storage and Port Back-up Uses (TPB PG-No. 13F)¹;

- (b) the Site adjoins a similar warehouse for storage of electronic goods with planning permission under application No. A/HSK/298² within the same “R(A)2” zone. The planning circumstances pertaining to the Site are similar to the nearby approved cases and the applied use is compatible with the surrounding environment;
- (c) the applied use is temporary in nature which would not jeopardise the long-term planning intention of the current zonings. It can meet the current warehouse demand in Ha Tsuen, and will be terminated when the Government resumes the Site;
- (d) there will be insignificant environmental and noise impacts since the applied use is housed within an enclosed structure and no operation will be held during sensitive hours. Minimal traffic impact is expected; and
- (e) the applicant will comply with all the approval conditions once the application is approved by the Committee.

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 notification letter to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements are not applicable to the GL portion.

4. Background

The Site is currently not subject to any active planning enforcement action.

5. Previous Applications

The Site is involved in three previous applications (No. A/YL-HT/8, A/HSK/140 and 320). Application No. A/YL-HT/8 covering a larger area for open storage of containers with repairing workshop was approved by the Committee in 1996. Considerations of this application are not relevant to the current application which involves a different use. Applications No. A/HSK/140 and 320 for the same applied use at the same site were approved by the Committee on 12.4.2019 and 27.8.2021 respectively for a period of three years mainly on the considerations that temporary approval would not jeopardise the long-term development of the Site; the applied use was not incompatible with the surrounding areas; and there was no major adverse comment from concerned Government departments. However, the planning permissions were subsequently revoked on 12.7.2021 and 27.2.2023 respectively due to non-compliance with time-limited conditions regarding the implementation of drainage proposal, and the submission and implementation of FSIs proposal. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

¹ The then TPB PG-No. 13F is not applicable to the applied warehouse use.

² The planning permission of application No. A/HSK/298 was revoked on 16.1.2023 due to non-compliance with time-limited conditions.

6. Similar Applications

There are three similar applications (No. A/HSK/260, 298 and 437) for temporary warehouse use which fell entirely/ largely within the same “R(A)2” zone in the past five years. All of them were approved with conditions by the Committee between 2020 and 2023 based on similar considerations as mentioned in paragraph 5 above. Details of these applications are summarised in **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 East Road to its east;
- (b) fenced, hard-paved; and
- (c) occupied by the applied use without valid planning permission.

7.2 The Site is adjoined by MTR (Tuen Ma Line) to its south. The surrounding areas are predominantly occupied by warehouses, storage facilities, open storage yards and workshops. Some of these uses are covered with valid planning permissions and some uses are suspected unauthorized developments subject to planning enforcement action.

8. Planning Intentions

8.1 The planning intention of the “C” zone is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre.

8.2 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

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 25.4.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the reason that the previous approval conditions have not been fulfilled (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of exhibition materials for a period of three years at the Site straddling over “C(3)” and “R(A)2” zones and area shown as ‘Road’ on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intentions of “C” and “R(A)” zones, the Project Manager (West), Civil Engineering and Development Department has no adverse comment on the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, 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 applied use is considered not incompatible with the surrounding land uses which are predominantly occupied by warehouses, storage facilities, open storage yards and workshops (**Plan A-2**).
- 11.3 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) have no objection to/ no adverse comment on the application from environmental, traffic, drainage and fire safety aspects. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 Two previous approvals had been granted in 2019 and 2021 respectively for the same applied use. Although the last planning permission was revoked on 27.2.2023 due to non-compliance with time-limited conditions regarding the submission of drainage proposal and the submission and implementation of FSIs proposal, the applicant has submitted drainage and FSIs proposals in the current application, on which CE/MN, DSD and D of FS 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 applications, the Committee had approved three similar applications within the same “R(A)2” zone between 2020 and 2023. Approval of the current application is in line with the previous decisions of the Committee.
- 11.6 There is one public comment raising objection to the application received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and 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 **22.12.2026**. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **22.9.2024**;
- (b) in relation to (a) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 **22.9.2024**;
- (d) if the above planning condition (b) 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
- (e) if any of the above planning condition (a) or (c) 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 "C" and "R(A)" zones which are primarily for commercial developments; and primarily for high-density residential developments. 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
Appendix Ia

Application Form received on 18.4.2023
SI received on 21.4.2023

Appendix Ib	FI received on 16.5.2023
Appendix Ic	FI received on 1.12.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Drawing A-3	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**