

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/464

- Applicant** : Goldlock Management Limited represented by R-riches Property Consultants Limited
- Site** : Lots 1750 (Part), 1751 (Part), 1752 (Part) and 1753 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,012m²
- 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
- Zonings** : (i) “Other Specified Use” annotated “Logistics Facility” (“OU(LF)”) (about 38.6%); and
[Restricted to a maximum plot ratio of 5 and a maximum building height of 110mPD]
(ii) “Open Space” (“O”) (about 61.4%)
- Application** : Proposed 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 proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ is always permitted within the “OU(LF)” zone, whereas planning permission from the Town Planning Board (the Board) is required for such use in areas zoned “O” on the OZP. The Site is currently used for warehouses, vehicle repair workshops, car beauty workshop, covered car park and office without valid planning permission.
- 1.2 The Site is accessible from Tin Ha Road via a local track, and the ingress/egress point is provided at the southeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, five temporary structures (one to two storeys, about 3m to 6m high) with a total floor area of about 4,193m² are proposed for warehouses, offices and rain shelter. Two parking spaces for private cars (each of 5m x 2.5m) and three loading/unloading bays for light goods vehicles (LGVs) (each of 7m x

3.5m) will be provided (**Drawing A-2**). According to the applicant, the operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the access leading to the Site and site layout submitted by the applicant are at **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 2.6.2023 (**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 proposed development is intended for storage of miscellaneous goods (such as packaged goods, apparel, footwear and electronic goods). No dangerous goods will be stored at the Site.
- (b) The proposed use is not incompatible with the surrounding areas which are occupied by warehouses, open storage yards and logistics centres.
- (c) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “O” zone nor affect the implementation progress of the Hung Shui Kiu/Ha Tsuen New Development Area.
- (d) The proposed development will not generate significant environmental impacts to the surrounding areas as adequate mitigation measures will be provided. The applicant pledges to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts. No workshop activities will be carried out at the Site.

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 Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

There is no previous application covering the Site.

6. Similar Application

There is a similar application (No. A/HSK/273) for temporary warehouse storage of miscellaneous goods for a period of three years within/straddling the subject “OU(LF)”

and “O” zones in the past five years. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 13.11.2020 on the considerations that the applied use was generally not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the site; and concerned Government departments had no adverse comment. Details of this application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tin Ha Road via a local track; and
- (b) currently used for warehouses, vehicle repair workshops, car beauty workshop, covered car park and office without valid planning permission.

7.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are a storage facility, parking of vehicles and an open storage yard which are suspected unauthorized developments (UDs) and village houses of Ha Tsuen Shi;
- (b) to its east and southeast are a warehouse, parking of vehicles and storage facilities which are suspected UD and village houses of San Uk Tsuen;
- (c) to its south and southwest are a storage facility and a logistics centre which are suspected UD and an open storage yard; and
- (d) to its west and northwest is a storage facility which is a suspected UD and a logistics centre.

8. Planning Intention

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 9.6.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix V**) expressing concern that approval of the application would jeopardise the planning intention of the concerned zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site zoned “OU(LF)” (about 38.6%) and “O” (about 61.4%) on the OZP. The proposed use in “O” zone requires planning permission. Whilst the proposed use is not in line with the planning intention of the “O” zone, the Project Manager (West), Civil Engineering and Development Department and the Director of Leisure and Cultural Services have no adverse comment on the application. 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 proposed use is considered not incompatible with the surrounding land uses which are predominantly used for warehouses, logistics centres and open storage yard with some village houses (**Plan A-2**).
- 11.3 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, have no adverse comment on the application. The proposed use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise potential environmental nuisance on the surrounding areas.
- 11.4 While there is no previous application at the Site, there is a similar application approved by the Committee in 2020 for temporary warehouse storage of miscellaneous goods within/straddling the subject “OU(LF)” and “O” zones on the OZP (**Plan A-1**). Approval of the subject application is in line with the Committee’s previous decision.
- 11.5 A public comment expressing concern on the application was received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 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 three years until **28.7.2026**. 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 **28.1.2024**;
- (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 **28.4.2024**;
- (c) in relation to (b) above, the implemented drainage facilities on the 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 **28.1.2024**;
- (e) in relation to (d) above, the implementation of the 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 **28.4.2024**;
- (f) if the above planning condition (c) 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
- (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 proposed use is not in line with the planning intention of the "O" zone which 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. There is no strong 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 received on 2.6.2023
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
JULY 2023**