

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/471

- Applicant** : Profit Partner Development Limited represented by R-riches Property Consultants Limited
- Site** : Lots 629 and 631 in D.D.124, and Lot 2002 in D.D.125, Hung Shui Kiu, Yuen Long
- Site Area** : About 2,478m²
- 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** : “Residential (Group A) 2” (“R(A)2”) (about 97.7%); and
[*Restricted to a maximum plot ratio (PR) of 5 and a maximum building height (BH) of 120mPD*]

Area shown as ‘Road’ (about 2.3%)

Application : Temporary Warehouse for Storage of Provisions 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 provisions for a period of three years (**Plan A-1**). The Site falls within an area mainly zoned “R(A)2” (about 97.7%) with minor portion shown as ‘Road’ (about 2.3%)¹ on the OZP. 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). The Site is currently occupied by metal structures for storage use without valid planning permission.
- 1.2 The Site is accessible from a local track leading from Shek Po Road and the ingress/egress point is at the northwest corner of the Site (**Drawings A-1 to A-2 and Plan A-2**). According to the applicant, there will be a single-storey temporary structure (7.5m high) for warehouse use with a floor area of about 1,363m² for storage of provisions. There will also be three other single-storey temporary structures (3m high) with a total floor area of about 152m² for site office, water tank,

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

meter room and storeroom uses. No dangerous goods will be stored at the Site. Two loading/unloading (L/UL) spaces will be provided for light goods vehicle (LGV) (**Drawing A-2**). The operation hours will be from 9:00a.m. to 6:00p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The location plan with vehicular access, layout plan, fire service installations (FSIs) plan and drainage plan submitted by the applicant are shown on **Drawings A-1 to A-4** respectively.

- 1.3 The Site is subject to 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 2017 and 2020 respectively (details at paragraph 5 below). Compared with the last previous application No. A/HSK/260, the current application is submitted by a different applicant at the same site with the same layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 19.6.2023 **(Appendix I)**
 - (b) Further Information (FI) received on 22.1.2023* **(Appendix Ia)**
(FIs received on 26.7.2023, 27.9.2023*, 4.12.2023*, 22.12.2023* and 10.1.2024* were superseded and not attached)*
*[*accepted and exempted from publication and recounting requirements]*
- 1.5 On 11.8.2023 and 24.11.2023, 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 is subject to two previous applications for the same applied use as the current application. Approval of the current application would not set undesirable precedent within the “R(A)2” zone.
- (b) As the planning intention of the “R(A)2” zone is yet to be implemented, the applied use could better utilise precious land resources prior to land resumption for the development of Hung Shui Kiu and Ha Tsuen New Development Area.
- (c) In the last previous application, two approval conditions were not complied with as the connection of secondary water supplies to town mains was not obtained, and the applicant did not have sufficient time to address departmental comments regarding the implementation of the drainage proposal. In support of the current application, the applicant has submitted all relevant proposals.
- (d) Sufficient manoeuvring space will be provided within the Site to ensure that there will be no queuing/ turning back of vehicles, and no medium or heavy vehicles will be allowed to park/ be stored at, or to enter/ exit the Site.
- (e) The applicant will follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and Professional Persons

Environmental Consultative Committee Practice Notes (ProPECCPNs) issued by the Environmental Protection Department.

- (f) The applied use will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas with the provision of adequate mitigation measures.

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.

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/HSK/18, 260 and 452). Application No. A/HSK/452 covering the whole “R(A)2” site and various other sites for proposed minor relaxation of PR and/or BH restrictions for proposed/permitted public and private housing developments and various other uses was approved by the Committee in 2023. Considerations of this application are not relevant to the current application which involves a different use. Applications No. A/HSK/18 and 260 for the same applied use at the Site were approved by the Committee on 13.10.2017 and 4.12.2020 respectively for a period of three years mainly on the considerations that the applied use was not incompatible with the surrounding land uses; temporary approval would not frustrate the long-term development of the area; and concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions were subsequently revoked on 13.11.2019 and 4.5.2023 respectively due to non-compliance with time-limited conditions regarding the implementation of drainage and FSIs proposals. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

There are five similar applications (No. A/HSK/140, 298, 320, 437 and 448) for temporary warehouse use which fell entirely/ partly within the same “R(A)2” zone in the past five years. All of them were approved with conditions by the Committee between 2019 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 Road to its west;
- (b) fenced, hard-paved; and
- (c) occupied by metal structures for storage use without valid planning permission.

7.2 The surrounding areas are predominantly occupied by warehouses, storage facilities, open storage yards, workshops and a residential dwelling (about 10m away). Some of these uses are covered with valid planning permissions and some uses are suspected unauthorized developments subject to planning enforcement action.

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

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 27.6.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of provisions for a period of three years at the Site zoned “R(A)2” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of “R(A)” zone, 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 2017 and 2020 respectively for the same applied use. Although the last planning permission was revoked on 4.5.2023 due to non-compliance with time-limited conditions regarding the implementation of drainage and FSIs proposals, the applicant has submitted drainage and FSIs proposals in the current application, to which CE/MN, DSD and D of FS have no in-principle objection. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should it 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 two previously approved applications for the same applied use, the Committee had approved five similar applications within the same “R(A)2” zone between 2019 and 2023. Approval of the current application is in line with the previous decisions of the Committee.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of provisions 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 **26.1.2027**. 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 **26.10.2024**;
- (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 **26.10.2024**;
- (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 intention of the "R(A)" 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 received on 19.6.2023
Appendix Ia	FI received on 22.1.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Drawing A-3	FSIs Plan
Drawing A-4	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2024**