

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/472

- Applicant** : Mr. YEUNG Wai Hang represented by R-riches Property Consultants Limited
- Site** : Lots 107 (Part), 110 (Part) and 115 S.A (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 680m²
- 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) “Residential (Group A) 2” (“R(A)2”) (about 75%);
[restricted to a maximum plot ratio of 6 and a maximum building height of 140mPD]
- (ii) “Open Space” (“O”) (about 11%); and
- (iii) area shown as ‘Road’ (about 14%)
- Application** : 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-1a**). 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 Ping Ha Road via a local track, and the ingress/egress point is at the southeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, a single-storey temporary structure (about 5m high) with a floor area of about 310m² is used for warehouse, site office and washroom. One parking space for private cars (5m x 2.5m) and one loading/unloading space for light goods

vehicles (LGVs) (7m x 3.5m) are provided (**Drawing A-2**). According to the applicant, the operation hours are from 8:00 a.m. to 8:00 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, site layout, fire service installations (FSIs) and drainage facilities submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in five previous planning applications for various temporary open storage and godown uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1999 and 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/258 approved by the Committee on 20.11.2020, the current application is submitted by different applicant for a similar use with a similar layout at the same site. A comparison of the major development parameters of last application and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/258) (a)	Current Application (A/HSK/472) (b)	Difference (b) – (a)
Applied Use	Temporary Open Storage and Godown (for Ceramic Tableware) for a Period of 3 Years	Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years	No open storage use but with addition of ancillary facilities
Site Area	About 680m ²		No change
Total Floor Area	310m ²		No change
No. of Structures	1 (godown for storage of ceramic tableware)	1 (warehouse, site office and washroom)	No change in no. of structure
Building Height	About 5m high (1 storey)		No change
No. of Parking Spaces	1 for private cars (7m x 3.5m) 1 for LGVs (7m x 3.5m)	1 for private cars (5m x 2.5m)	-1
No. of Loading/Unloading Space	0	1 for LGVs (7m x 3.5m)	+1
Operation Hours	from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		No change

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

- (a) Application Form with attachments received on (**Appendix I**)
26.6.2023
- (b) Supplementary Information (SI) received on 30.6.2023 (**Appendix Ia**)
- (c) Further Information (FI) received on 14.8.2023 (**Appendix Ib**)

[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

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

- (a) The applied use is intended for warehouse for storage of ceramic tableware. The uncovered area of the Site is used for circulation and occupied by existing H-pole structures.
- (b) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones.
- (c) The development will have insignificant traffic impacts. Sufficient maneuvering spaces will be provided.
- (d) The applied use 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 cutting, cleansing, melting, dismantling or other 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 Applications

- 5.1 The Site is involved in five previous applications (No. A/YL-HT/121, 675 and 920 and A/HSK/3 and 258) for various temporary open storage and godown uses covering different extents of the Site. All five applications were approved by the Committee between 1999 and 2020 mainly on the considerations that the applied/proposed uses were not incompatible with the surrounding areas; generally in line with the relevant TPB PG-No.13 and no major adverse comments from concerned government departments. However, four of the planning permissions (i.e. Applications No. A/YL-HT/121 and 675 and A/HSK/3 and 258) were subsequently revoked 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-1b**.

- 5.2 The last application No. A/HSK/258 was approved by the Committee on 20.11.2020 for a period of three years but the permission was subsequently revoked on 20.4.2023 due to non-compliance with the time-limited approval condition regarding the implementation of FSIs proposal.

6. Similar Applications

There are seven similar applications (No. A/HSK/282, 289, 296, 311, 313, 415 and 454) for various temporary warehouse, open storage, logistics centre and container vehicle park uses within/straddling the subject “R(A)2” and “O” zones in the past five years. All of them were approved with conditions by the Committee between 2021 and 2023 on the considerations similar to those mentioned in paragraph 5.1 above. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Ping Ha Road via local track; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas are predominately occupied by logistics centres, warehouse, vehicle repair workshop, open storage yards and storage facility, and some residential dwellings.

8. Planning Intentions

- 8.1 The planning intention of the “R(A)2” zone is primarily for high-density residential developments.
- 8.2 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 4.7.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix V**) objecting to the application on the grounds that the proposed use will pose fire safety hazards and cause health problems to nearby villagers and residents and the approval condition under the previous application have not yet been complied with.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site zoned “R(A)2” (about 75%) and “O” (about 11%), and partly within an area shown as ‘Road’ (about 14%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(A)2” and “O” zones, 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 applied use is considered not incompatible with the surrounding land uses which are predominantly used for open storage yards, logistics centres, warehouse and vehicle repair workshop, with some of them covered by valid planning permissions (**Plan A-2**).
- 11.3 While the planning permission granted under the last application No. A/HSK/258 in 2020 was revoked due to non-compliance with the time-limited approval condition regarding implementation of FSIs proposal, the applicant has submitted FSIs proposal in support of the current application and the Director of Fire Services has no 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 resulting in revocation of planning permission, sympathetic consideration may not be given to any further applications.
- 11.4 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 applied 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.
- 11.5 In addition to five previous planning approvals for various temporary open storage and godown uses involving the Site (**Plan A-1b**), there are seven similar applications approved by the Committee between 2021 and 2023 for various temporary warehouse, open storage, logistics centre and container vehicle park uses within/straddling the subject “R(A)2” and “O” zones on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee’s previous decisions.
- 11.6 A public comment objecting to 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 11.5 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 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 **25.8.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **25.11.2023**;
- (b) in relation to (a) above, the implemented drainage facilities 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 **25.2.2024**;
- (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 **25.5.2024**;
- (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 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 "R(A)2" and "O" zones which are primarily for high-density residential developments; 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, respectively. There is no strong 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 received on 26.6.2023
Appendix Ia	SI received on 30.6.2023
Appendix Ib	FI received on 14.8.2023
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
Drawing A-2	Layout Plan
Drawing A-3	FSIs Plan
Drawing A-4	Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**