

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/483

- Applicant** : Gold Harvest Enterprises Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 1192 (Part), 1196 (Part), 1197, 1198, 1199 (Part), 1200 (Part), 1201 (Part), 1202 (Part), 1204 (Part), 1342 to 1346, 1347 (Part), 1348 (Part), 1349, 1350 (Part), 1351 (Part), 1352 (Part), 1356 to 1361, 1362 (Part), 1363 (Part), 1365 and 1366 in D.D.124 and Adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 23,779.2m² (including about 299.2m² of GL) (about 1.3%)
- 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** : “Other Specified Uses” annotated “Enterprise and Technology Park” (“OU(E&TP)”)
[Restricted to a maximum plot ratio of 5 and a maximum building height of 90mPD]
- Application** : Renewal of Planning Approval for Temporary Warehouse and Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary warehouse and open storage of new vehicles (private cars, taxis, light goods vehicles and light buses) 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). The Site is currently used for the applied use with valid planning permission with validity till 9.10.2023.
- 1.2 The Site is accessible from Tin Ha Road via a local track and the ingress/egress is located at its eastern part (**Drawings A-1 to A-2 and Plan A-2**). According to the applicant, the Site is occupied by five temporary structures¹ with a total floor area of about 4,669.4m², comprising a single-storey warehouse with storage and office facilities (9.5m high with floor area of 4,626.2m²), two electricity meter rooms (2.6m high with floor area of 4.5m²), a guard room (2.6m high with floor area of 4m²) and

¹ According to the applicant, there are nine temporary structures, with four of them being accommodated within a single structure.

a water tank with pump room (4.5m high with floor area of 34.7m²). The remaining open-air area at the western portion of the Site is used for open storage for new vehicles. Four loading/unloading spaces (two 12m-wide and two 10m-wide) and four private car parking spaces are provided (**Drawing A-2**). Storage activities will only be carried out within the Site. The applicant also pledges to maintain all existing trees, drainage facilities, fire service installations (FSIs) facilities and fencing in good condition. The operation hours are from 7:00 a.m. to 8:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The location plan with vehicular access, layout plan, drainage plan and FSIs plans submitted by the applicant are shown on **Drawings A-1 to A-4b** respectively.

- 1.3 The Site is the subject of two previous planning applications for temporary public vehicle park and temporary warehouse and open storage of new vehicles approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2014 and 2020 respectively (details at paragraph 6 below). Compared with the previous application No. A/HSK/231 for temporary warehouse and open storage of new vehicles approved by the Committee on 9.10.2020, the current application is submitted by the same applicant for the same use with a similar layout at the same site.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 10.8.2023 (Appendix I)
 - (b) Planning Statement with attachments (Appendix Ia)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement with attachments at **Appendix Ia**. They can be summarised as follows:

- (a) The Site is subject to two previous planning approvals (Application Nos. A/YL-HT/886 and No. A/HSK/231). The Applicant has demonstrated full compliance of planning approval conditions in the last planning application for the same applied use;
- (b) The current application is in line with the Town Planning Board Guidelines No. 34D for application of renewal of planning approval;
- (c) 12 similar applications for open storage/ warehouse/ logistic centre uses within “OU” zones on the same OZP have been approved by the Committee of the Board since 2020². No undesirable precedence for other similar applications is expected should the current application be approved;
- (d) The applied use will not generate adverse landscape, drainage, environmental, traffic impacts and will attain land resources optimisation; and
- (e) The applied use is not incompatible with the surrounding environment. Also, since the applied use is temporary in nature, it would not jeopardise the long-term planning intention of the “OU(E&TP)” zone and the future development of the Hung Shui Kiu

² Including Application No. A/HSK/231 for the same applied use at the Site. There is no similar application within the same “OU(E&TP)” zone on the OZP.

/Ha Tsuen New Development Area (HSK/HT NDA). The applied use will be terminated once the land resumption work starts.

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 publishing a notice on local newspapers and posting site notice. 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. Town Planning Board Guidelines

- 4.1 On 14.4.2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). The Site falls within the HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are also relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in two previous applications (No. A/YL-HT/886 and A/HSK/231) covering different extents of the Site. Details of these applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-HT/886 for temporary public vehicle park (excluding container vehicle) covering the eastern portion of the Site was approved by the Committee on 21.3.2014 for a period of three years mainly on the considerations that temporary use would not frustrate the long-term use planning intention of the then “R(D)” zone; the applied use was not incompatible with the surrounding land uses; and the development would unlikely generate significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas.
- 6.3 Application No. A/HSK/231 with a similar layout for the same applied use with the current application at the Site was approved with conditions on 9.10.2020 for a period of three years with validity up to 9.10.2023 mainly on the considerations that the development was generally in line with the relevant TPB PG-No. 13; not incompatible with the surrounding land uses and no major adverse comments from concerned government departments. All time-limited approval conditions have been complied with.

7. Similar Application

There is no similar application within the same “OU(E&TP)” zone on the OZP.

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

8.1 The Site is:

- (a) accessible from Tin Ha Road via a local track; and
- (b) fenced, hard-paved and occupied by the applied use with valid planning permission. Residential dwellings and abandoned houses are found in the middle of the Site.

8.2 The surrounding areas are predominantly occupied by open storage yards, warehouses, rural workshops, storage facilities intermixed with some residential dwellings.

9. Planning Intention

The planning intention of the “OU(E&TP)” zone is primarily to provide development space for accommodating a variety of innovation and technology uses, including research centre, testing and certification, data centre, modern industries and other related businesses and non-polluting industrial uses.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other 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 V and VI** respectively.

10.2 The following government department does not support the application:

Environment

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

- (a) He does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwelling is located to the immediate northwest of the Site) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected.
- (b) There were two substantiated environmental complaints pertaining to the Site received in the past three years, which were related to dust nuisance arising from the unpaved site with insufficient water spraying. During the site inspection conducted by his department, advice was given to the site operator. No more dust issue was noted during the follow-up inspections. There is also no prosecution record or ongoing prosecution case for the Site.

- (c) Should the application be approved, the applicant should note his advisory comments in **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 18.8.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received expressing concerns that the previous approval conditions have not been fulfilled (**Appendix VIII**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary warehouse and open storage of new vehicles (private cars, taxis, light goods vehicles and light buses) for a period of three years at the Site zoned “OU(E&TP)” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “OU(E&TP)” 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.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, workshops, storage facilities and sites for parking of vehicles intermixed with some residential dwellings (**Plan A-2**).
- 12.3 The applied use is generally in line with the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and previous approval for the same use was granted in 2020 and all its related approval conditions have been complied with. Moreover, since the last approved application (No. A/HSK/231) was to facilitate the interim relocation of two existing operations that would be displaced by the earlier phase of the NDA, the Secretary for Development (SDEV)’s support was obtained in which the applied development was considered conducive to ensuring timely implementation of the NDA and providing space for displaced brownfield operation still needed by the community, even on a temporary basis. In view of the above, sympathetic consideration may be given to the current application.
- 12.4 The application is also generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.5 There is no adverse comment from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the immediate vicinity of the Site (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected. While there were two substantiated environmental complaints concerning dust nuisance at the Site received in the past three years, appropriate remedial actions had been taken by the site operator. Furthermore, relevant approval conditions are recommended in paragraph

13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development on the Site will be subject to planning enforcement action. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and to keep the Site clean and tidy at all times.

- 12.6 Given that two previous approvals had been granted in 2014 and 2020 respectively for temporary public vehicle park use and for the same applied use, approval of the current application is in line with the previous decisions of the Committee.
- 12.7 One public comment expressing concerns on the application was received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary warehouse and open storage of new vehicles (private cars, taxis, light goods vehicles and light buses) could be tolerated for a further period of three years.
- 13.2 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 **from 10.10.2023 to 9.10.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 8:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **10.1.2024**;
- (e) the provision of fire extinguisher(s) within **6 weeks** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **21.11.2023**;
- (f) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.4.2024**;

- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.7.2024**;
- (h) if any of the above planning condition (a), (b) or (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
- (i) if any of the above planning condition (d), (e), (f) or (g) 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.

[Approval conditions (a), (b), (e), (f) and (g) are the same as those under the permission for application No. A/HSK/231; approval conditions on the submission and implementation of drainage proposal under the permission for application No. A/HSK/231 are replaced by approval conditions (c) and (d); and restrictions on queuing back and reversing movement of vehicles, submission and implementation of landscape proposal and requirements on fencing provision have been removed as per the latest practice.]

Advisory clauses

The Recommended advisory clauses are attached at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application Form received on 10.8.2023
Appendix Ia	Planning Statement with attachments
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendix VIII	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan

Drawing A-3	Drainage Plan
Drawings A-4a to 4b	FSIs Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**