

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/493**

- Applicant** : Ms. WONG Wai Chee represented by R-riches Property Consultants Limited
- Site** : Lot 2238 S.A RP (Part) in D.D. 124 and adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 752m<sup>2</sup> (including GL of about 61m<sup>2</sup> or about 8.1%)
- 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
- Zoning** : “Residential (Group B)3” (“R(B)3”)  
*[Restricted to a maximum plot ratio of 1.26, maximum site coverage of 40% and a maximum building height of 6 storeys over single-storey car park]*
- Application** : Temporary Warehouse for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for a period of three years at the application site (the Site) zoned “R(B)3” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Tin Ha Road via a local access and the ingress/egress point is at the west of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, one single-storey structure (7.5m in height) for storage of miscellaneous goods (i.e. packaged food, apparel, footwear, electronic good, furniture, etc.) and one loading/unloading space for light goods vehicles are proposed within the Site (**Drawing A-2**). No storage of dangerous goods and no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out at the Site. According to the applicant, the operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. Plans showing the access leading to the Site, site layout, as-built drainage facilities, and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of two previous applications for temporary warehouse use

approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board each for a period of three years in 2019 and 2021 respectively (details at paragraph 5 below). Compared with the last approved application No. A/HSK/336, the current application is submitted by the same applicant at the same site with the same development parameters, layout and applied use.

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

- (a) Application Form with attachments received on 16.10.2023 (Appendix I)
- (b) Supplementary Information (SI) received on 19.10.2023 (Appendix Ia)
- (c) Further Information (FI) received on 17.11.2023\* (Appendix Ib)
- (d) FI received on 5.2.2024\* (Appendix Ic)
- (e) FI received on 10.4.2024\* (Appendix Id)

*\*Accepted and exempted from publication and recounting requirements*

1.5 On 8.12.2023 and 5.4.2024, the Committee agreed to defer making a decision on the application for two months each as requested by the applicant.

## **2. Justifications from the Applicant**

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

- (a) The Site is the subject of two previously approved applications (No. A/HSK/128 and 336) for the same applied use. When compared with the last approved application No. A/HSK/336, the layout and development parameters are the same as the current application. Approval of the current application is in line with the Board's previous decisions and would not set an undesirable precedent within the same "R(B)3" zone.
- (b) The applied use is considered not incompatible with surrounding land uses which are predominated by warehouse, storage and workshops uses. Although the applied use is not entirely in line with the planning intention of "R(B)3" zone, the applied use is only on a temporary basis and will not jeopardise the long-term planning intention of the "R(B)3" zone.
- (c) The proposed development will not create significant nuisance to the surrounding areas given adequate mitigation measures will be provided. The applicant will strictly comply with all environmental protection/ pollution control ordinances at all times during the planning approval period. The applicant will also follow the 'Code of Practice on Handling the Environmental aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise adverse environmental impacts and nuisance.

## **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. 31B) by posting site notice and sending notice to the Tuen Mun Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

#### **4. Background**

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

#### **5. Previous Applications**

The Site is the subject of two previous applications (No. A/HSK/128 and 336) for temporary warehouse use each for a period of three years approved with conditions by the Committee in 2019 and 2021 respectively mainly on the considerations that approval of the application on a temporary basis would not jeopardise the long-term development of the Site; the applied use was not incompatible with the surrounding land uses; and there were no major adverse comments from concerned government departments. However, both planning permissions were subsequently revoked on 22.7.2021 and 10.9.2023 due to non-compliance with time-limited approval condition regarding the implementation of FSIs proposal. Details of these applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1**.

#### **6. Similar Application**

There is no similar application within the same “R(B)3” zone on the OZP.

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

7.1 The Site is:

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

7.2 The surrounding areas are predominantly occupied by warehouses, open storage yards, storage facilities, a rural committee, office and religious institution while there are residential developments to the further north, northeast and northwest. Some of these uses are suspected unauthorized developments subject to planning enforcement action.

#### **8. Planning Intention**

The planning intention of the “R(B)” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.

#### **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 24.10.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received objecting to the application mainly on the reasons that the previous approval condition on the implementation of FSIs proposal has not been fulfilled and the applied use could potentially cause fire safety problem (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse for a period of three years at the Site zoned “R(B)3” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “R(B)” zone, there is no known development proposal approved or under processing at the Site and relevant departments including the Project Manager (West), Civil Engineering and Development Department have 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, open storage yards, storage facilities, a rural committee, office and religious institution (**Plan A-2**).
- 11.3 The Site is involved in two previously approved applications (No. A/HSK/128 and 336) for temporary warehouse use. Although the planning permissions were revoked due to non-compliance with the time-limited approval condition regarding implementation of FSIs proposal, the applicant has submitted a FSIs proposal in the current application and the Director of Fire Services considers the submitted FSIs proposal acceptable and 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 condition again resulting in revocation of planning permission, sympathetic consideration would not be given to any further application.
- 11.4 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.5 Given two previous approvals for temporary warehouse use had been granted in 2019 and 2021 respectively for the Site, approval of the current application is generally in line with the previous decisions of the Committee.

- 11.6 Regarding the public comment objecting to the application 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 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse 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 7.6.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no dismantling, assembling, repairing or other workshop activities will be carried out, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.9.2024;
- (d) 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 7.3.2025;
- (e) if any of the above planning condition (a) or (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 (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 intention of the "R(B)" zone which is primarily for medium-density residential developments. 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**

<b>Appendix I</b>	Application Form with attachments received on 16.10.2023
<b>Appendix Ia</b>	SI received on 9.10.2023
<b>Appendix Ib</b>	FI received on 17.11.2023
<b>Appendix Ic</b>	FI received on 5.2.2024
<b>Appendix Id</b>	FI received on 10.4.2024
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2024**