

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/527

- Applicant** : Double Industries Co.
- Site** : Lots 123 S.A (Part), 123 S.B (Part) and 124 (Part) in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,542m² (including GL of about 200m² or 7.9%)
- 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
- Zoning** : “Government, Institution or Community” (“G/IC”)
[restricted to a maximum building height of 3 storeys]
- Application** : Proposed Temporary Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for a period of three years at the application site (the Site) (**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 hard paved and currently vacant.
- 1.2 The Site is abutting Kai Pak Ling Road, and the ingress/egress point is at the southwestern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, two temporary structures (one to two storeys, not more than 13m high) with a total floor area of about 1,122m² are proposed for warehouse, pump room, office and toilet. Two loading/unloading (L/UL) spaces for light goods vehicles (LGVs) (each of 7m x 3.5m) will be provided (**Drawing A-1**). The proposed operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plan showing the access leading to the Site and site layout submitted by the applicant is at **Drawing A-1**.
- 1.3 According to the applicant, the current application is to facilitate the relocation of the existing operation at Lots 1375, 1384, 1385, 1436, 1437, 1438, 1439, 1441, 1442 and 1449 in D.D. 124 which will be displaced by the implementation of the

Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) project. The size of the Site (i.e. about 2,542m²) is comparable to its current operation (i.e. about 2,450m²) which is located within the Second Phase development of the HSK/HT NDA.

- 1.4 The Site was involved in a previous application for proposed temporary warehouse which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 5 below). Compared with the last rejected application No. A/HSK/337, the current application is submitted by a different applicant for the same use at a smaller site with a different layout. A comparison of the major development parameters of last application and the current application is summarised as follows:

Major Development Parameters	Last Rejected Application (A/HSK/337) (a)	Current Application (A/HSK/527) (b)	Difference (b) – (a)
Applied Use	Proposed Temporary Warehouse for a Period of 3 Years		No change
Site Area	About 3,608m ²	About 2,542m ²	-1,066m² (-30%)
Total Floor Area	About 2,605m ² (including a warehouse with a footprint of about 2,205m ²)	About 1,122m ² (including a warehouse with a footprint of about 898m ²)	-1,483m² (-57%) The floor area/footprint of warehouse reduced by 1,307m² (-59%)
No. of Structures	2 (warehouse, ancillary office and guardroom)	2 (warehouse, pump room, office and toilet)	No change in no. of structures
Building Height	Not more than 13m high (1 to 2 storeys)		No change
No. of Car Parking Space or L/UL Space	2 parking spaces for private cars (each of 5m x 2.5m) and 2 L/UL spaces for LGVs (each of 7m x 3.5m)	2 L/UL spaces for LGVs (each of 7m x 3.5m)	-2 parking spaces for private cars
Operation Hours	from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays	from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays	Shortened operation hours

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

- (a) Application Form with attachments received on 7.6.2024 **(Appendix I)**
(b) Further Information (FI) received on 26.9.2024 **(Appendix Ia)**

[accepted and exempted from publication and recounting requirements]

1.6 On 2.8.2024, the Committee of the Board agreed to defer making a decision on the application for two months 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 at **Appendix I**. They can be summarised as follows:

- (a) The proposed use is not incompatible with the surrounding environment. Similar planning applications for warehouse and open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (b) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.
- (c) The development will have insignificant traffic impact. Sufficient maneuvering spaces will be provided within the Site.
- (d) The proposed use will not generate significant environmental impact 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 including repairing, paint-spraying and cleansing of cars and no storage of combustible goods 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. 31B) by posting site notice and sending notice to Ha Tsuen Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. The requirements of “Owner’s Consent/Notification” under TPB PG-No. 31B are not applicable to the GL portion.

4. Background

The Site is subject to a planning enforcement action (No. E/YL-HSK/111) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) was issued on 5.3.2024 requiring the discontinuation of the UD by 5.5.2024. Latest site inspection on 7.11.2024 revealed that the Site was vacant. The Site is currently under monitoring.

5. Previous Application

The Site was involved in a previous application No. A/HSK/337 for proposed temporary warehouse for a period of three years which was rejected by the Committee on 10.12.2021 mainly on the considerations that the proposed use was not in line with the planning intention of the “G/IC” zone and the proposed development was excessive in scale and not compatible with adjacent village dwellings. Details of this application are summarised at **Appendix II** and its boundary is shown on **Plan A-1**.

6. Similar Application

There is no similar application within the subject “G/IC” zone on the OZP.

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

7.1 The Site is:

- (a) directly accessible to Kai Pak Ling Road; and
- (b) hard paved and currently vacant.

7.2 The surrounding areas are predominantly occupied by open storage yards, warehouses, storage facility. Some of these uses are located within the adjacent “Other Specified Uses” annotated ‘Port Back-up, Storage and Workshop Uses’ (“OU(PBU&SWU)”) zone where these uses are always permitted, whilst some are suspected UD’s subject to planning enforcement action. Residential dwellings, grassland and unused land are found to the northwest, southwest and east of the Site.

8. Planning Intention

8.1 The planning intention of the “G/IC” zone is primarily for provision of Government, institution or community (GIC) facilities serving the needs of the local residents and/or wider district, region or territory.

8.2 The Site is currently not designated for any GIC use.

9. Comments from Relevant Government Departments

9.1 Concerned departments have been consulted and have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III and IV** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

Comments of the Secretary for Development (SDEV):

9.2.1 the application is to facilitate relocation of a brownfield operation for warehouse which is currently situated at various lots in D.D. 124 in Yuen Long, which will be affected by the Second Phase development of the HSK/NT NDA; and

9.2.2 the Site is of similar size as the one to be cleared by the Government. Subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10. Public Comment Received During Statutory Publication Period

On 14.6.2024, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix V**) expressing concerns on the application that whether any enforcement action has been taken at the Site and the village has no community facilities.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for a period of three years at the Site zoned “G/IC” on the OZP. According to the applicant, the application is to facilitate the relocation of an existing business operation at Lots 1375, 1384, 1385, 1436, 1437, 1438, 1439, 1441, 1442 and 1449 in D.D. 124 affected by the Second Phase development of the HSK/HT NDA. Whilst the proposed use is not in line with the planning intention of the “G/IC” zone, the Site falls within the Remaining Phase development of the HSK/HT NDA and is currently not designated for any GIC use, and the Project Manager (West), Civil Engineering and Development Department has 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 According to the applicant, the size of the Site is comparable to its current operation. In this regard, to facilitate smooth clearance for the HSK/HT NDA and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from the policy perspective.
- 11.3 The proposed use is considered not entirely incompatible with the surrounding land uses. While residential dwellings are found to the immediate east of the Site, the area are predominantly occupied by open storage yards, warehouses, storage facility, with some of these uses located within the adjacent “OU(PBU&SWU)” zone where these uses are always permitted (**Plan A-2**).
- 11.4 There is no adverse comment from other concerned government departments including the Director of Environmental Protection, Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services on the application from environmental, traffic, drainage and fire safety aspects respectively. Should the application be approved, the applicant will be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise the possible environmental nuisance on the surrounding areas. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 12.2 below.
- 11.5 The Site was involved in a previous application for the proposed use rejected by the Committee in 2021. The current application is submitted by a different applicant for the same use at a smaller site with a different layout. Compared with the previous application, the proposed development under the current application is of a smaller scale with the site area and the total floor area reduced from about 3,608m² to 2,542m² (reduced by about 30%) and from about 2,605 m² to 1,122m² (reduced by about 57%) respectively. The proposed development with a total floor area of

about 1,122m² and footprint of about 1,010m² is considered not out of scale with the surrounding developments. Taking into account the support by SDEV from the policy perspective, and no adverse departmental comments on the application have been received, and that the concerns of relevant government departments can be addressed through the imposition of approval conditions, sympathetic consideration may be given to the current application.

- 11.6 Regarding the public comment expressing concerns on the application as summarised in paragraph 10 above, the background, planning considerations and assessments in paragraphs 4, and 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 the proposed 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 **22.11.2027**. 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 **22.5.2025**;
- (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 **22.8.2025**;
- (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 **22.5.2025**;
- (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 **22.8.2025**;
- (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 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 "G/IC" zone which is primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory. 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 7.6.2024
Appendix Ia	FI received on 26.9.2024
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**