

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/235

<u>Applicant</u>	: Hing Shing Engineering & Trading Co. Limited represented by PlanPlus Consultancy Limited
<u>Site</u>	: Lot 188 (Part) in D.D. 52 and Adjoining Government Land (GL), Fu Tei Au, Sheung Shui, New Territories
<u>Site Area</u>	: 1,878.6m ² (about) (includes GL of about 271.8m ² (or about 14.5% of the Site))
<u>Lease</u>	: Block Government Lease (demised for agricultural use) (about 85.5% of the Site)
<u>Plan</u>	: Draft Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/17
<u>Zoning</u>	: “Other Specified Uses” annotated “Port Back-Up” (“OU(PBU)”)
<u>Application</u>	: Proposed Temporary Warehouse for Construction Materials and Equipment for a Period of Three Years

1. The Proposal

- 1.1 The applicant seek planning permission for a proposed temporary warehouse for storage of construction materials and equipment for a period of three years at the application site (the Site), which falls within an area zoned “OU(PBU)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ is a Column 2 use in the “OU(PBU)” zone, which requires planning permission from the Town Planning Board (the Board). The Site is hard paved and currently used for storage of containers and recycled materials without any valid planning permission.
- 1.2 The proposal comprises two 2-storey temporary structures (not more than 6m in height) with a gross floor area of 1,353.8m² for storage of construction materials and equipment, and its related office use. According to the applicant, no explosive and dangerous goods would be stored within the Site. A wire metal fencing of about 1.8m in height would be erected along the boundary of the Site to separate the proposed development with the neighbouring areas. A total of three private car parking spaces and one loading/unloading bay for light goods vehicles are proposed within the Site. The operation hours of the proposed development are from 9:00 a.m. to 6:00 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays. The Site is accessible via a local track leading to Man Kam To Road. The layout plan submitted by the applicant is shown in **Drawing A-1**.

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

- (a) Application Form received on 31.8.2023 (Appendix I)
- (b) Supplementary Planning Statement (SPS) (Appendix Ia)
- (c) Further Information (FI) received on 13.10.2023* (Appendix Ib)
- (d) FI received on 18.10.2023* (Appendix Ic)

** accepted but 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 at **Appendix I**, as summarized below:

- (a) the proposed use is not in conflict with the planning intention of the “OU(PBU)” zone which is primarily for accommodating the anticipated increasing cross-boundary freight traffic;
- (b) the surrounding areas are dominated by warehouses and storages/open storage yards. The proposed use is compatible with the surrounding land uses and environment;
- (c) the proposed use for storage of construction materials and equipment could support the future infrastructural works led by the government; and
- (d) the applicant will strictly follow all relevant requirements. No adverse traffic, landscape, drainage, sewerage and noise impacts, etc. arising from the proposed use is anticipated.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” of the Site 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 notices in local newspapers and posting site notice in a prominent position on or near the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31A is not relevant.

4. **Background**

The Site is subject to active planning enforcement action (No. E/NE-FTA/196) against unauthorized development (UD) involving storage use. Enforcement Notice (EN) was issued on 25.7.2023 requiring discontinuation of the UD by 25.9.2023 (**Plan A-2**). As the requirement of the EN was not complied with upon expiry of the notice, prosecution action may be followed.

5. **Previous Applications**

The Site is the subject of two previously approved applications submitted by different applicants for open storage use, which are not relevant to the current application for construction of warehouses. Details of these applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for the same applied use within the same “OU(PBU)” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area over the past five years.

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

7.1 The Site is:

- (a) hard paved and currently used for storage of containers and recycled materials; and
- (b) accessible via a local track leading to Man Kam To Road.

7.2 The surrounding areas are intermixed with warehouses, logistics centre (the one to the immediate east is subject to an approved application No. A/NE-FTA/211), storages/open storage yards, vehicle parks and some temporary domestic/vacant structures. To the northwest is a woodland within the “Green Belt” zone.

8. Planning Intention

The planning intention of the “OU(PBU)” zone is intended primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors and other port back-up uses.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 at **Appendices III** and **IV** respectively.

9.2 The following government department has comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer (North), Lands Department (DLO(N), LandsD):

- (a) the application lot is Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the government. No right of access via GL is granted to the Site;
- (b) no consent is given for inclusion of GL (i.e. about 271.8m² as proposed by the applicant) for proposed use (**Plan A-2**). The actual occupation area does not tally with the Site. The adjoining GL, either included in the Site or outside, are fenced off without approval from LandsD. Any occupation of GL without the government’s prior approval is an offence. The lot owner(s)/the applicant should immediately cease the occupation of GL

and LandsD reserves the rights to take necessary land control action against the illegal occupation of GL without separate notice; and

- (c) there are unauthorized structures detected both within and outside the Site. Part of the existing structure is extended from the application lot to the adjoining GL outside the Site. The lot owner(s) should immediately rectify the lease breaches and LandsD reserves the right to take necessary lease enforcement actions against the lease breaches without separate notice.

10. Public Comment Received During Statutory Publication Period

On 8.9.2023, the application was published for public inspection. During the statutory public inspection period, one comment was received (**Appendix V**) from the Chairman of Sheung Shui District Rural Committee who indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary warehouse for storage of construction materials and equipment for the period of three years at the Site zoned “OU(PBU)”. The proposed use is considered generally in line with the planning intention of the “OU(PBU)” zone which is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors and other port back-up uses.
- 11.2 The Site is hard paved and currently used for storage of containers and recycled materials. The proposed use, mainly involving two 2-storey structures not exceeding 6m in height with a gross floor area of 1,353.8m², is considered not incompatible with the surrounding areas intermixed with warehouses, logistics centre, storages/open storage yards and some temporary vacant/domestic structures.
- 11.3 Other relevant departments consulted, including C for T, DEP, CE/MN of DSD and D of FS, etc. have no adverse comment on or no objection to the application. With regards to DLO(N), LandsD’s comments relating to occupation of GL and unauthorized structures within the Site, the applicant indicates that such issues would be addressed in the application of Short Term Tenancy/Short Term Waiver at a later stage.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department has no objection to the application.
- 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 27.10.2026. The following conditions of approval and advisory clauses are 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 27.4.2024;
- (b) in relation to (a) above, the provision of drainage facilities 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 27.7.2024;
- (c) in relation to (b) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (d) the submission of proposals for fire service installations and water supplies for firefighting 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 27.4.2024;
- (e) in relation to (d) above, the implementation of the proposals for fire service installations and water supplies for firefighting 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 27.7.2024;
- (f) if 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 at **Appendix IV**.

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

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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
Appendix Ia

Application Form received on 31.8.2023
SPS

Appendix Ib	FI received on 13.10.2023
Appendix Ic	FI received on 18.10.2023
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2023**