

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/514

<u>Applicant</u>	Mr. Wong Chun Hung and Ms. To Nu
<u>Site</u>	Lots 1669 S.A ss.1 RP (Part), 1670 S.A ss.1 RP, 1671 S.A ss.1, 1673 S.A and 1675 S.B ss.1 S.A RP (Part) in D.D. 100 and Adjoining Government Land, Kwu Tung South, Sheung Shui, New Territories
<u>Site Area</u>	1,086.09m ² (about) (including about 582.28 m ² of Government Land (GL) (about 53.6%))
<u>Lease</u>	Old Schedule lots held under the Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/18
<u>Zoning</u>	“Recreation” (“REC”)
<u>Application</u>	Temporary Warehouse (Electronic Parts and Construction Materials) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse (electronic parts and construction materials) with ancillary office for a period of 3 years. The Site falls within an area zoned “REC” on the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/18 (**Plan A-1**). According to the Notes of the OZP, temporary use not exceeding a period of 3 years requires permission from the Town Planning Board (the Board). The Site is currently partly used for storage of electronic parts and construction materials, and partly used as an office without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicants’ submission, there are two 1 to 2-storey warehouses of 6m to 7.5m in height on the eastern and western parts of the Site for storage of construction materials and electronic parts respectively. In addition, there are ancillary office, water tank, pump room, store room, meter room and toilet. The total floor area is 1,167.58m². The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there is no operation on Sundays and public holidays. The Site is accessible from Fan Kam Road via a village road. There are a total of three ingress/egress points

at the southern boundary and south-western corner of the Site. No car parking space is provided. Two loading/unloading bays for light goods vehicles will be provided, i.e. one is within the eastern warehouse while another one is within the western warehouse. The daily vehicular trip generation is 4. The layout plan is shown at **Drawing A-1**.

1.3 In support of the application, the applicants have submitted the following documents:

- | | | |
|-----|--|---------------|
| (a) | Application Form with attachments received on 19.8.2022 | (Appendix I) |
| (b) | Further Information (FI1) received on 19.9.2022 [#] | (Appendix Ia) |
| (c) | FI2 received on 5.10.2022 [#] | (Appendix Ib) |
| (d) | FI3 received on 15.12.2022 [#] | (Appendix Ic) |
| (e) | FI4 received on 16.1.2023 [#] | (Appendix Id) |

[#]exempted from publication requirements

1.4 On 14.10.2022 and 9.12.2022, the Rural and New Town Planning Committee (the Committee) agreed to the applicants' request to defer making a decision on the application to allow more time for the applicants to prepare FIs in support of the application.

2. Justification from the Applicants

The justification put forth by the applicants in support of the application is detailed in **Appendix I** and summarised as follows:

The Site is the subject of a previous planning application No. A/NE-KTS/472. All approval conditions of the previous planning application in relation to tree preservation, drainage, transport and fire services requirements have been complied with. Thus, this new application should be approved.

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

The applicants are the sole “current land owner” of the private land within the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the portion of GL, the “Owner’s Consent/Notification” Requirements is not applicable.

4. Background

The Site is not subject to any planning enforcement action.

5. Previous Applications

- 5.1 The Site involves 6 previous approved applications No. A/NE-KTS/184, 251, 288, 340, 415 and 472 for different temporary open storage or storage uses submitted by the same applicants of the current application between 2004 and 2019. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 The last application No. A/NE-KTS/472 for temporary warehouse (antique vehicles, food and beverages) with ancillary office was approved with conditions for a period of 3 years by the Committee in 2019 mainly on the grounds that the approval of the temporary use would not jeopardise the long-term planning intention of the “REC” zone; the development was considered not incompatible with the surrounding land uses; and relevant government departments had no adverse comment on or no objection to the application. All approval conditions of the last application had been complied with. The planning permission lapsed on 21.6.2022.
- 5.3 Compared with the last approved application No. A/NE-KTS/472, the current application involves a different applied use but the site area and layout are largely the same as the previous application.

6. Similar Applications

There are 3 similar applications (No. A/NE-KTS/452, 486 and 493) for temporary open storage or storage uses within the same “REC” zone in the vicinity of the Site approved by the Committee in the past 5 years, mainly on the grounds that approval of the applications would not jeopardise the long-term planning intention of the “REC” zone; and the developments were considered not incompatible with the surrounding land uses. Details of these similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) formed, fenced and accessible from Fan Kam Road via a village road; and
 - (b) partly used for storage of electronic parts and construction materials, and partly used as an office without valid planning permission.
- 7.2 The surrounding areas have the following characteristics:
- (a) to its east and north are warehouses, storage of lift machines and recycling materials, storage of metalware and a structure for storage of construction materials. Domestic structures are to the further north;

- (b) to its south across the village road are vehicle repair workshops, restaurant, vehicle park/open storage uses and some domestic structures; and
- (c) to its west across Fan Kam Road are domestic structures, vacant land and open storage yard.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other Government 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 **Appendix III and IV** respectively.
- 9.2 The following government department has the following comments on the application:

Local Views

- 9.2.1 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):
 - (a) He has consulted the locals. The Resident Representative of Ying Pun supported the proposal on the ground that the applied use has existed for years and could create job opportunities for villagers.
 - (b) The Chairman of Fung Shui Area Committee objects to the application for the reasons that the existing village road is too narrow to accommodate heavy vehicles and the applied use will adversely affect other road users.
 - (c) The Chairman of Sheung Shui District Rural Committee and the North District Council (NDC) member of the subject Constituency have no comment.

10. Public Comments

The application was published for public inspection. During the statutory public

inspection period, 2 public comments (**Appendix V**) submitted by 2 individuals are received. One individual indicates no comment on the application but states that the existing village road is too narrow and cannot cater the additional traffic. The applied use will adversely affect other road users. Another individual objects to the application for the reason that additional traffic generated by the applied use will cause traffic congestion, pollution and fire, and adversely affect nearby villagers.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (electronic parts and construction materials) with ancillary office for a period of 3 years at the Site zoned “REC” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of “REC” zone which is primarily for recreational developments for the use of the general public. However, temporary planning permissions for various open storage/storage/workshop uses have been granted since 2004 and there is no known development proposal of the Site for recreation uses. Hence, the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “REC” zone.
- 11.2 The applied use is considered not incompatible with the surrounding land uses, which are predominantly warehouses, workshops and open storage yards with some domestic structures (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments, including Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, on the application. To minimise any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. In addition, the applicant will be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued by the DEP.
- 11.4 The Site is involved in 6 previously approved applications for temporary open storage/storage/workshop uses as stated in paragraph 5 above. Moreover, there are 3 similar applications within the same “REC” zone in the vicinity of the Site approved by the Committee between 2018 and 2020. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the local comments conveyed by DO(N) of HAD and public comments as detailed in paragraphs 9.2.1 and 10 above, government departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local comments conveyed by DO(N) of HAD and public comments as detailed in paragraphs 9.2.1 and 10 respectively, the Planning

Department considers that the temporary warehouse (electronic parts and construction materials) with ancillary office could be tolerated for a period of 3 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 3 year until 3.2.2026. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (c) no vehicle repairing and other workshop activities are allowed to be carried out at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the implementation of the accepted 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 3.8.2023;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approved hereby given shall cease to have effect and shall be revoked without further notice; and
- (i) if any of the above planning condition (g) is not complied with during the planning approval period, the approved hereby given shall cease to have effect and shall 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 "REC" zone in the Kwu Tung South area which is primarily for recreational developments for the use of the general public and to encourage the development of active and/or passive recreation and tourism/eco-tourism. 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 with attachments received on 19.8.2022
Appendix Ia	FI1 received on 19.9.2022
Appendix Ib	FI2 received on 5.10.2022
Appendix Ic	FI3 received on 15.12.2022
Appendix Id	FI4 received on 16.1.2023
Appendix II	Previous and similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos