

RNTPC Paper No. A/NE-KTS/520A
For Consideration by the
Rural and New Town
Planning Committee on 3.3.2023

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/520

<u>Applicants</u>	:	Mr. WONG Chun Hung and Ms. TO Nu
<u>Site</u>	:	Lots 1618 (Part), 1619 (Part) and 1620 (Part) in D.D. 100 and Adjoining Government Land (GL), Kwu Tung South, New Territories
<u>Site Area</u>	:	About 1,486.5m ² (including 30.98m ² of GL)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kwu Tung South Outline Zoning Plan (OZP) 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 applicants seek 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 for “REC” zone, temporary use not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for storage of electronic parts and construction materials with ancillary office without valid planning permission (**Plans A-2a, A-4a and A-4b**).
- 1.2 According to the applicants’ submission, the applied use comprises two 1 to 2-storey (not more than 7m high) warehouses for storage of electronic parts and construction materials as well as ancillary office and toilet. In addition, there are a fire services water tank and a fire services pump room at the Site. The total floor area is about 1261.31m². 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 is one ingress/egress point at

the southwest corner of the Site (**Plan A-3**). One loading/unloading bay for light goods vehicle is provided in one of the warehouses. The daily vehicular trip generation is 2. The layout plan submitted by the applicants is 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 17.11.2022 (Appendix I)
- (b) Further Information (FI1) of 15.12.2022[#] (Appendix Ia)
- (c) FI2 received on 3.1.2023[#] (Appendix Ib)
- (d) FI3 received on 16.1.2023[#] (Appendix Ic)

[#]*exempted from publication requirements*

1.4 On 13.1.2023, the Rural and New Town Planning Committee (the Committee) of the Board 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. **Justifications 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 applicants could not meet the requirements under previous planning approval for storage of detergent, detergent containers and construction materials, and thus submitted this application for storage of electronic parts and construction materials.

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

The applicants are two of the “current land owners” (i.e. Lots 1618 and 1620 in D.D. 100) and have complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting a site notice within the Site and sending notification letter to the Sheung Shui District Rural Committee by local registered post. Detailed information would be deposited at the meeting for Member’s inspection. The remaining portion of the Site is GL and the “owner’s consent/notification” requirements as set out in TPB PG-No. 31A are not applicable.

4. **Background**

The Site is not subject to any planning enforcement action.

5. Previous Applications

- 5.1 The Site, in part or in whole, involves 11 previous applications. Ten applications (No. A/NE-KTS/64, 108, 127, 166, 215, 264, 311, 367, 452 and 493) for different temporary open storage or storage uses were approved with conditions by the Committee and one application (No. A/NE-KTS/185) was rejected by the Board on review. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 5.2 6 out of 10 previously approved applications (No. A/NE-KTS/215, 264, 311, 367, 452 and 493) were submitted by the same applicants of the current application between 2005 and 2021. The last previous application No. A/NE-KTS/493 for temporary storage (detergent, detergent containers and construction materials) with ancillary office was approved with conditions for a period of 3 years by the Committee on 30.4.2021 mainly on the grounds of not having any development programme at the site, not frustrating the long-term planning intention of the “REC” zone, being not incompatible with the surrounding uses, and having no objection or adverse comment from relevant departments. The planning permission of this application was revoked on 30.10.2022 due to non-compliance with approval conditions regarding the submission and implementation of fire service installations (FSIs) proposal.
- 5.3 Compared with the last approved application No. A/NE-KTS/493, 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/472, 486 and 514) 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; the developments were considered not incompatible with the surrounding land uses; and the developments would unlikely have significant adverse environmental, traffic, drainage and landscape impacts. 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-2a, aerial photo on Plan A-3, and site photos on Plans A-4a and A-4b)

- 7.1 The Site is:
- (a) formed, fenced and accessible from Fan Kam Road via a village road; and
 - (b) used for storage of electronic parts and construction materials with ancillary office without valid planning permission.

7.2 The surrounding areas are predominantly rural in nature with the following characteristics:

- (a) to the east and north are domestic structures and temporary structures for storage uses;
- (b) to the southeast, south and west are temporary structures for warehouses/storage uses, parking of construction vehicles and a showroom for building materials; and
- (c) to the further south and southwest across a village road are temporary structures for storage/restaurant/vehicle repair workshops and domestic structures.

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.

9. Comments from Relevant Government Departments

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 **Appendices IV and V** respectively.

10. Public Comments Received During Statutory Publication Period (Appendix VI)

The application was published for public inspection. During the statutory publication period, a total of 3 public comments from individuals were received. Two individuals object to the application for the reasons that the applicants have a failure record of fulfilling approval conditions; and the applied use will increase the traffic flow resulting in traffic congestion, environmental pollution, fire risk, and adverse impacts on safety and living quality of villagers. The remaining individual indicates no comment on the application.

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 uses have been granted since 1997 and there is no known development proposal of the Site for recreation uses. 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-2a**).
- 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 (D of FS), 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 10 previously approved applications for temporary open storage/storage/workshop uses as stated in paragraph 5 above. The last previous application No. A/NE-KTS/493 submitted by the same applicants of the current application for temporary storage use was approved with conditions on 30.4.2021. Although the planning approval (No. A/NE-KTS/493) was revoked on 30.10.2022 due to non-compliance with approval conditions on the submission and implementation of FSIs proposal, there has been no major change in the planning circumstances since the last approval and the applicants has submitted FSIs proposal under the current application. Relevant government departments, including D of FS, have no objection to the current application. Moreover, there are 3 similar applications within the same “REC” zone in the vicinity of the Site approved by the Committee between 2019 and 2023. The Committee’s considerations on these applications as stated in paragraph 6 above are generally applicable to the current application, and approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments on the application as detailed in paragraph 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 public comments mentioned in paragraph 10, 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 years until 3.3.2026. The following approval conditions and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no workshop activities are allowed to be carried out at any time during the planning approval period;
- (b) no medium/heavy goods vehicles exceeding 5.5 tonnes including container trailer/tractor, as defined in the Road Traffic Ordinance, are allowed to/from the Site at any time during the planning approval period;
- (c) the existing drainage facilities shall be maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on the Site 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 3.6.2023;
- (e) the submission of 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 3.9.2023;
- (f) in relation to (e) 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 3.12.2023;
- (g) if any of the above planning conditions (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
- (h) if any of the above planning conditions (d), (e) or (f) 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 V**.

- 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 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 applicants.

14. Attachments

Appendix I	Application Form with attachments received on 17.11.2022
Appendix Ia	FI1 received on 15.12.2022
Appendix Ib	FI2 received on 3.1.2023
Appendix Ic	FI3 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
Plans A-2a and 2b	Site plan
Plan A-3	Aerial photo
Plans A-4a and 4b	Site photos

**PLANNING DEPARTMENT
MARCH 2023**