

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/545

<u>Applicant</u>	:	Grand Dragon Capital Investment Limited represented by Allgain Land Planning Limited
<u>Site</u>	:	Lot 2205 RP (Part) in D.D. 92, Kam Tsin, Kwu Tung, Sheung Shui, New Territories
<u>Site Area</u>	:	1,100m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Draft Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/21
<u>Zoning</u>	:	“Recreation” (“REC”)
<u>Application</u>	:	Proposed Temporary Warehouse (Hardware Accessories) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (hardware accessories) with ancillary office for a period of three years at the application site (the Site), which falls within an area zoned “REC” on the OZP. 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 vacant and partly fenced off with corrugated metal sheets (**Plan A-4**).
- 1.2 The Site is accessible from Kam Tsin South Road via a local access (**Plan A-1**). According to the applicant, the Site is divided into two portions (**Drawing A-1**), each comprises one single-storey structure (not exceeding 9m in height) for warehouse and one 2-storey structure (about 7m in height) for site office, reception and toilet use. The total gross floor area (GFA) is about 520m². No storage of large hardware/scrap iron and no workshop activities will be carried out at the Site. One loading/unloading space for light goods vehicles will be provided for each portion of the Site (**Drawing A-1**) and no parking space will be provided. The operation hours will be from 8:00 a.m. to 6:00 p.m.

(Mondays to Saturdays), with no operation on Sundays and public holidays. The layout plan submitted by the applicant is at **Drawing A-1**.

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

- (a) Application form and Supplementary Information (SI) (**Appendix I**) received on 5.11.2024 and 13.11.2024 respectively
- (b) Further Information (FI) received on 10.12.2024[#] (**Appendix Ia**)
[#] accepted and 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 in the Application Form with SI and FI at **Appendices I** and **Ia**, and can be summarised below:

- (a) the proposed use is only on a temporary basis and will not frustrate the long-term planning intention of the “REC” zone;
- (b) the Site was occupied by open storage/storage use but the use had been discontinued since mid-2024. A number of warehouse uses can be found in the vicinity of the Site or have been approved by the Board in other “REC” zones in Kwu Tung South area, and their planning circumstances are similar to that of the Site; and
- (c) the proposed use is not incompatible with the surrounding areas. It will not create significant adverse traffic, environmental, landscape and drainage impacts on the surrounding areas.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Application**

- 5.1 Part of the Site is the subject of a previous application (No. A/NE-KTS/82) for temporary storage of grocery goods rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1998 mainly on the grounds that the proposed use was not in

line with the planning intention of the “REC” zone and there was no strong justification for a departure from the planning intention even on a temporary basis; there was no information to demonstrate no adverse traffic impact and that fire safety requirements would be met; and approval of the application would set an undesirable precedent.

- 5.2 Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There is one similar application within the same “REC” zone and two other similar applications within another “REC” zone on the same OZP in the vicinity of the Site in the past five years. Among the three applications, two of them were approved and one was rejected. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/NE-KTS/517 and 532 for temporary warehouse with ancillary office were approved by the Committee in 2023 and 2024 respectively, mainly on the grounds that approval of the application would not frustrate the long-term planning intention of the “REC” zone; the proposed/applied use was considered not incompatible with the surrounding land uses; and the relevant government departments consulted generally had no adverse comments or their technical concerns could be addressed by approval conditions.
- 6.3 Application No. A/NE-KTS/491 for temporary warehouse use with ancillary office was rejected by the Committee in 2020, mainly on the grounds that the applied use was not in line with the planning intention of the “REC” zone and there was no strong justification for a departure from the planning intention, even on a temporary basis; and the applicant failed to demonstrate that the proposed development would not generate adverse traffic impact on the surrounding areas. The application site subsequently formed part of application No. A/NE-KTS/517 mentioned above (**Plan A-1**).

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

- 7.1 The Site is:
- (a) currently vacant and partly fenced off with corrugated metal sheets; and
 - (b) accessible from Kam Tsin South Road via a local track.
- 7.2 The surrounding areas are rural in nature with warehouses, vehicle repair workshops, vacant land to the immediate south, west and northwest of the Site, and domestic/temporary structures, village type development and fallow/active agricultural land to the north and east. Application No. A/NE-KTS/532 submitted by the same

applicant as mentioned in paragraph 6.2 above is located to the immediate northwest of the Site. Fanling Golf Course is located to the further east and the south of the Site.

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 V)**

On 15.11.2024, the application was published for public inspection. During the statutory publication period, four public comments were received, including one from a North District Councillor indicating no comment on the application; two from individuals providing similar standard letters objecting to the application on the grounds that the proposed use would bring about noise nuisance to the neighbourhood and adversely affect the livelihood of the villagers; and an individual objecting to the application on the grounds that the proposed use is not conducive to the immediate residential neighbourhood and may create pollution to watercourse.

11. **Planning Considerations and Assessments**

11.1 The application is for proposed temporary warehouse (hardware accessories) with ancillary office for a period of three years at the Site zoned “REC” (**Plan A-1**). The proposed two single-storey structures (not exceeding 9m in height) and two 2-storey structures (about 7m in height) will have a total GFA of about 520m². The proposed development is not in line with the planning intention of “REC” zone, 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. Notwithstanding this, taking into account that there is no known development proposal for recreation uses at the Site and the planning assessments below, the proposed use on a temporary basis for a period of three years could be tolerated.

11.2 The proposed use is considered not entirely incompatible with the surrounding areas, which are rural in nature with warehouses, vehicle repair workshops, vacant land to the

immediate south, west and northwest, and domestic/temporary structures, village type development and fallow/active agricultural land to the north and east (**Plan A-2**). The Chief Town Planner/Urban Design & Landscape of Planning Department (PlanD) has no adverse comment on the application from landscaping planning perspective and considers that the proposed use is not incompatible with the surrounding landscape character and significant adverse landscape impact arising from the proposed use is not anticipated.

- 11.3 All concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection, Director of Fire Services and Director of Leisure and Cultural Services have no objection in principle or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance caused by the proposed use.
- 11.4 While one previous application and one similar application were rejected by the Committee in 1998 and 2020 respectively, the Committee subsequently approved two similar applications involving warehouse with ancillary office within the same and another "REC" zone in vicinity of the Site in 2023 and 2024 respectively (i.e. application No. A/NE-KTS/532 abutting the northwestern boundary of the Site submitted by the current applicant and application No. A/NE-KTS/517 which covered the site of the rejected application No. A/NE-KTS/491) as mentioned in paragraphs 5 and 6 above. Approving the current application is generally in line with the previous decisions of the Committee.
- 11.5 Regarding the public comments objecting to the application as mentioned in paragraph 10 above, the departmental 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, PlanD considers that the proposed use 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 20.12.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a proposal for fire service installations 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 20.6.2025;
- (b) in relation to (a) above, the implementation of the proposal for fire service installations 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 20.9.2025;
- (c) 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 20.6.2025;
- (d) in relation to (c) 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 20.9.2025;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) if the above planning condition (e) 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), (c) or (d) 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 V**.

- 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 "REC" zone 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 given 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 and supplementary information received on 5.11.2024 and 13.11.2024 respectively
Appendix Ia	FI received on 10.12.2024
Appendix II	Previous applications
Appendix III	Similar applications
Appendix IV	Government departments' general comments
Appendix V	Recommended advisory clauses
Appendix VI	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

**PLANNING DEPARTMENT
DECEMBER 2024**