

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1137

- Applicant** : Pak Shing Properties Management Limited represented by Man Chi Consultants and Construction Limited
- Site** : Lots 146 S.B ss.1, 149, 150 (Part), 151, 152 (Part) and 153 in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,755m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Residential (Group D)” (“R(D)”)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) for a period of 3 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 3 years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by some vacant structures (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible via a local track from Kai Pak Ling Road (**Plans A-2 and A-3**). As shown on the indicative layout plan at **Drawing A-2**, seven structures with total gross floor area of about 1,493m² and building height of 1 to 2 storeys (about 3.5 to 7.3m) for warehouse and ancillary uses, including restroom, lavatory, storage rooms for cleaning tools and sundries, meter room and electricity substation, are proposed. The two proposed warehouses will be fully enclosed and used for storage of finished garment products without any packing/unpacking or breakbulk activities. There will be two private car

parking spaces and two loading/unloading spaces for light goods vehicles. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays. Location and vehicular access plan, and indicative layout plan are at **Drawings A-1 and A-2** respectively.

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

- (a) Application Form with attachments received on 5.7.2022 (**Appendix I**)
- (b) Planning Statement (**Appendix Ia**)
- (c) Further Information (FI) received on 1.8.2022* (**Appendix Ib**)
- (d) FI received on 5.8.2022* (**Appendix Ic**)
[*exempted from publication requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The application is to resume and regularise warehouse use at the Site, which existed before the gazettal of the first Interim Development Permission Area (IDPA) Plan of the area.
- (b) No substantial change to the existing setting is envisaged.
- (c) The proposed use is compatible with the land uses in the locality, which are characterised by warehouse, open storage, recyclable collection centre and other informal industrial undertakings. The farmhouse located immediately south of the Site, which is also owned by the applicant, has co-existed with the brownfield operations for a prolonged period of time.
- (d) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “R(D)” zone.
- (e) No adverse drainage, traffic and environmental impacts are anticipated. As the proposed use involves storage of non-dangerous goods, fire risk is not anticipated.

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

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

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Application

There is no similar application within the same “R(D)” zone on the OZP.

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

7.1 The Site is:

- (a) formed with the central portion on elevated grounds, largely fenced off and occupied by some vacant structures; and
- (b) accessible via a local track leading from Kai Pak Ling Road (**Plans A-2 and A-3**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the east are vacant land and graveyards;
- (b) to the south is a residential dwelling. To the further south across Kai Pak Ling Road are village settlements of Fung Kong Tsuen;
- (c) to the west and southwest are a godown, open storage yards which are suspected unauthorized developments (UDs), and shrubland; and
- (d) to the north, northwest and northeast are warehouse and storage uses, open storage yards and factory covered by valid planning permissions as well as suspected UD.

8. Planning Intention

The “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

All 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 II** and **III** respectively.

10. Public Comments Received During the Statutory Publication Period

On 12.7.2022, the application was published for public inspection. During the statutory public inspection period, 5 public comments from individuals were received (**Appendices IV-1 to IV-5**) with 2 objecting to and 3 supporting the application. The commenters objected the application on the grounds of adverse impacts to surrounding villagers; adverse environmental impacts arising from using the Site for dangerous goods godown and recycling operations; and not in line with the planning intention of the “R(D)” zone. The supporting comments were on the grounds of temporary nature of the proposed use; similar warehouse uses in the vicinity of the Site; no new structures proposed; no adverse impacts; and increased demand for warehouse in Hong Kong.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) for a period of 3 years at the Site zoned “R(D)” on the OZP, which is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. Although the proposed use is not in line with the planning intention of the “R(D)” zone, there is no known development proposal for the Site in the “R(D)” zone. Approval of the application on a temporary basis for 3 years would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The Site is situated in an area of miscellaneous rural fringe predominated by open storage yards and warehouse/godown, some of which are covered by valid planning permissions. The proposed use is not entirely incompatible with the surrounding areas.
- 11.3 Relevant government departments, including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. The proposed use will unlikely create significant adverse traffic, drainage and fire safety impacts to the surrounding areas. While the Director of Environmental Protection has no objection to the application, she advised that there were a number of environmental complaints pertaining to the Site in the past 3 years against a recycling facility. However, the previous recycling operation at the Site has already ceased, and the Site is currently occupied by vacant structures. Nevertheless, 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.
- 11.4 There were 5 public comments received during the statutory publication period, with 2 objecting to and 3 supporting the application mainly on grounds stated in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.3 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 above, the Planning Department considers that the proposed temporary warehouse (excluding non-dangerous goods godown) 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 26.8.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 6:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the Site, as proposed by the applicant, at all times during the planning approval period;
- (d) the submission of a drainage proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.2.2023;
- (e) in relation to (d) above, the implementation of the drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 26.5.2023;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.2.2023;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 26.5.2023;
- (i) if any of the above planning condition (a), (b), (c) or (f) 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

- (j) if any of the above planning condition (d), (e), (g) or (h) 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 III**.

- 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 "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such 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 5.7.2022
Appendix Ia	Planning Statement
Appendix Ib	FI dated 1.8.2022
Appendix Ic	FI dated 5.8.2022
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendices IV-1 to IV-5	Public Comments
Drawing A-1	Location and Vehicular Access Plan
Drawing A-2	Indicative Layout Plan
Plan A-1	Location Plan

Plan A-2
Plan A-3
Plans A-4a and A-4b

Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
AUGUST 2022