

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/258**

- Applicant** : Wah Tung Development Company Limited
- Site** : Lots 107 (Part), 110 (Part) and 115 S.A (Part) in D.D.125, Ha Tsuen, Yuen Long
- Site Area** : about 680m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group A) 2” (“R(A)2”)(75.3%);  
*[Restricted to maximum plot ratio (PR) of 6 and maximum building height (BH) of 140mPD]*  
“Open Space” (“O”) (about 11.0%); and  
Area shown as ‘Road’ (about 13.7%)
- Application** : Temporary Open Storage and Godown (for Ceramic Tableware) 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 open storage and godown (for ceramic tableware) for a period of 3 years (**Plan A-1a**). The Site straddles over the “R(A)2” (75.3%) and “O” (11.0%) zones and an area shown as ‘Road’ (13.7%) on the approved HSK&HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones 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. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use without valid planning permission (**Plans A-4a to 4b**).
- 1.2 The Site is related to 4 previous applications for various temporary open storage yard and godown uses (**Plan A-1b**). The last application No. A/HSK/3 for the same applied use was approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions for a period of 3 years on 11.8.2017. However, the planning permission was subsequently revoked on 28.4.2020 due to non-compliance with a time-limited approval condition on the implementation of fire services installations (FSIs) proposal. The current application is submitted by the same applicant at a smaller site with smaller floor area for the same applied use.

1.3 The Site is accessible from Ping Ha Road via a local track with ingress/egress point at the south-eastern corner of the Site (**Drawing A-1 and Plans A-2 to A-3**). As shown on the layout plan at **Drawing A-2**, there is one single-storey structure with 5m height and a floor area of about 310m<sup>2</sup> located at the western portion of the Site as godown for storage of ceramic tableware. 1 private car parking space and 1 parking space for light goods vehicle are also proposed in the open area of the Site. No cutting, cleansing, melting, dismantling or any other workshop activity would be allowed on the Site. According to the applicant, the operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. No operation will be held on Sundays and public holidays. The FSIs plan is shown at **Drawing A-3**.

1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/3) (a)</b>	<b>Current Application (A/HSK/258) (b)</b>	<b>Difference (b) - (a)</b>
<b>Applied Use</b>	Temporary open storage and godown (for ceramic tableware) (3 years)		Same
<b>Site Area</b>	1,150m <sup>2</sup>	680m <sup>2</sup>	-470m <sup>2</sup> (-41%)
<b>No. of Structures</b>	4	1	-3
<b>Total Floor Area</b>	700m <sup>2</sup>	310m <sup>2</sup>	-390m <sup>2</sup> (-56%)
<b>Height of Structures</b>	1 storey (2.5 to 6m high)	1 storey (5m high)	Lower maximum height
<b>No. of Parking Spaces</b>	• 3 for private car	• 1 for private car • 1 for light goods vehicle	• -2 for private car • +1 for light goods vehicle
<b>Operation Hours</b>	8:00 a.m. to 8:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays		Same

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

- (a) Application Form received on 23.9.2020 with planning statement and drawings **(Appendix I)**
- (b) Further Information (FI) received on 12.11.2020 clarifying the open area for storage of ceramic tableware, parking space dimensions and providing revised FSIs proposal **(Appendix Ia)**  
*[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 at **Appendix I**. They can be summarized as follows:

- (a) The proposed development is a temporary use for 3 years which would not jeopardize the long-term planning intention of the current zoning.
- (b) The current application is a fresh planning application with reduction of site area when compared with the previous application due to the land holding problem and rent issue. However, the previous drainage works along the periphery will be maintained.

- (c) Since the Site is subject to a number of previous planning permissions for open storage and port back-up uses since 2010 and there were no objection from concerned Government departments and locals to the past developments, the applied use is considered not incompatible with the surrounding environment.
- (d) The proposed development conforms with the Town Planning Board Guidelines TPB PG-No. 13F since it is subject to previous planning permissions.
- (e) Despite the last application No. A/HSK/3 was revoked due to non-compliance with one time-limited approval condition with delay in implementation due to the pandemic virus, the current application is submitted to allow development control.
- (f) Open storage yards and port back-up uses in close proximity were granted with planning permissions on temporary basis. Similar preferential treatment should be given to the present application.
- (g) There is shortage of land for port back-up purpose in Ha Tsuen.
- (h) There are insignificant environmental, noise and drainage impacts since the loading/unloading of goods will be carried out inside enclosed structure and drainage channel is provided. The proposed use would not generate significant traffic impacts.

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

The applicant is not a “current land owner” 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 posting site notice and sending notices to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

The storage use on the Site would be subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The site is related to 4 previous applications (No. A/YL-HT/121, 675 and 920 and A/HSK/3) for various temporary open storage yard and godown uses. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 All previous applications were approved with conditions by the Committee for a period of 3 years between 1999 and 2017 on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines TPB PG-No. 13 and no major adverse comments from concerned Government departments. However, the approvals under applications No. A/YL-HT/121 and 675 and A/HSK/3 were subsequently revoked due to non-compliance with the time-limited approval conditions.
- 6.3 The last application No. A/HSK/3 for the same applied use was approved with conditions by the Committee for a period of 3 years on 11.8.2017. However, the application was subsequently revoked on 28.4.2020 due to non-compliance with a time-limited approval condition on the implementation of FSIs proposal.
- 6.4 Compared with the last application, the current application is submitted by the same applicant at a smaller site with smaller floor area for the same applied uses.

## 7. **Similar Applications**

There are five similar applications within the same “R(A)2” and “O” zones on the OZP for various open storage uses between 2017 and 2020 which were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.2 above. Among them, the planning permission of one application (No. A/HSK/71) was revoked due to non-compliance with approval conditions. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

## 8. **The Site and Its Surrounding Areas** (Plans A-1a to A-4b)

- 8.1 The Site is:
- (a) currently used for godown without valid planning permission; and
  - (b) accessible from Ping Ha Road via local track.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its immediate northeast and northwest are two logistics centre under valid planning permissions while to its further northeast are a logistics centre under valid planning permission, a warehouse and a vehicle repair workshop;
  - (b) to its immediate east are a vehicle repair workshop and an open storage yard of marble while to its further east is an open storage yard of construction machinery and materials;
  - (c) to its immediate south is a residential dwelling (about 2m away) while to its further south are an open storage yard of construction materials, parking of container vehicles, another open storage yard of construction materials and some residential structures (**Plan A-2**); and
  - (d) to its west and southwest are two open storage yards of containers and construction machinery/materials under valid planning permissions.

**9. Planning Intentions**

- 9.1 The planning intention of the “R(A)2” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.
- 9.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

**10. Comments from Relevant Government Departments**

10.1. The following Government departments have been consulted and their views on the application received are summarized as follows:

**Land Administration**

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Scheduled Agricultural Lots 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.
- (b) The private lots covered by Short Term Waivers (STWs) are listed below:

<b>Lot No(s). in D.D.125</b>	<b>STW No.</b>	<b>Purposes</b>
110	4992	Temporary Open Storage and Godown (for Ceramic Tableware)
115 S.A	4995	Temporary Open Storage and Godown (for Ceramic Tableware)

- (c) Should the application be approved, the lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. The STW holders will need to apply to his office for modification of the STW conditions where appropriate. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

**Traffic**

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comments on the application from traffic engineering view point.

- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under Transport Department (TD)'s purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Ping Ha Road.

**Environment**

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

**Drainage**

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application No. A/HSK/3 will be maintained for the subject development. He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, a condition should be stipulated in the approval requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal.

### **Building Matters**

#### 10.1.6 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site.
- (b) If the existing structures (not being a New Territories Exempted House) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.
- (g) Detailed checking under BO will be carried out at building plan submission stage.

### **Fire Safety**

#### 10.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to FSIs being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **Long-Term Development**

10.1.8 Comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of HSK/HT NDA. To ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in three phases, viz. First Phase development, Second Phase development and Remaining Phase development. The lot(s) concerned falls within the sites under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.

### **Others**

10.1.9 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site falls mainly within “R(A)2” and “O” zones and an area shown as ‘Road’ on the approved HSK & HT OZP No. S/HSK/2. The portion zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) He notes that the application involves private lot only and has no in-principle objection to the application.

### **District Officer’s Comments**

10.1.10 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

10.2. The following Government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

## **11. Public Comment Received During Statutory Publication Period**

On 6.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received. The commenter raised concern that the approval of the current application would affect the provision of residential home and community facilities and the implementation of the HSK/HT NDA (**Appendix V**).



## **12. Planning Considerations and Assessment**

12.1 The application is for temporary open storage and godown (for ceramic tableware) for a period of 3 years at a site which straddles over the “R(A)2” (75.3%) and “O” (11.0%) zones and an area shown as ‘Road’ (13.7%) on the OZP. The planning intention of the “R(A)2” zone is primarily for the provision of high-density residential developments while that for “O” zone is for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the development is not in line with the planning intentions of the “R(A)2” and “O” zones, PM/W of CEDD and DLCS have no objection to the temporary use for a period of 3 years at the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.

12.2 The Site is located in an area predominantly occupied by logistics centres, open storage yards and warehouses uses. The applied use is generally not incompatible with the surrounding major land uses.

12.3 The Site falls within the HSK/HT NDA. For applications in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

12.4 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals (applications No. A/YL-HT/675 and 920 and A/HSK/3) for the same applied use have been given. For the last application No. A/HSK/3, the planning permission was however revoked due to non-compliance with one approval condition on implementation of FSIs proposal. For the present application, the applicant has submitted relevant FSIs proposal (**Drawings A-3**) and D of FS has no in-principle objection to the application. As such, sympathetic consideration may be given to the application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.

- 12.5 Compared with the last planning permission under Application No. A/HSK/3 for the same applied uses, the site area as well as the development parameters including total floor area and number of structures have been reduced. Concerned government departments have no adverse comment on the proposed development. In addition, there are no environmental complaints pertaining to the Site in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the surrounding areas.
- 12.6 There are three previous planning approvals for the same applied use and one previous planning approval for open storage use at the Site (**Plan A-1b**). Five similar applications for various open storage uses within the same "R(A)2" and "O" zones were also approved by the Committee between 2017 and 2020 (**Plan A-1a**). Approval of the subject application is in line with the Committee's previous decisions.
- 12.7 There is one public comment received on the application during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in the above paragraphs are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11, the Planning Department considers that the temporary open storage and godown (for ceramic tableware) could be tolerated for a period of 3 years.
- 13.2 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 **20.11.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation from 8:00 p.m. to 8:00 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 cutting, cleansing, melting, dismantling or any other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;

- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on Site within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.2.2021**;
- (g) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.2.2021**
- (h) in relation to (g) above, the implementation of the 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 **20.5.2021**;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the 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 conditions (f), (g) or (h) is not complied with by the above 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 VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed development is not in line with the planning intentions of the "R(A)2" and "O" zones, which are intended primarily for high-density residential developments and provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.
- 14.3 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.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 23.9.2020
<b>Appendix Ia</b>	FI received on 12.11.2020
<b>Appendix II</b>	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
<b>Appendix III</b>	Previous Applications Covering the Site
<b>Appendix IV</b>	Similar Applications Within the Same “R(A)2” and “O” Zones
<b>Appendix V</b>	Public Comment
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed FSIs Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2020**