

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/231

- Applicant** : Gold Harvest Enterprises Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 1192 (Part), 1196 (Part), 1197, 1198, 1199 (Part), 1200 (Part), 1201 (Part), 1202 (Part), 1204 (Part), 1342 to 1346, 1347 (Part), 1348 (Part), 1349, 1350 (Part), 1351 (Part), 1352 (Part), 1356 to 1361, 1362 (Part), 1363 (Part), 1365 and 1366 in D.D.124 and Adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : 23,779.2m² (including about 299.2m² of GL) (about 1.3%)
- Lease** : Old Schedule Agricultural Lots held under the Block Government Lease
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Other Specified Uses” annotated “Enterprise and Technology Park” (“OU(E&TP)”)
[Restricted to maximum plot ratio (PR) of 5 and maximum building height (BH) of 90mPD]
- Application** : Proposed Temporary Warehouse and Open Storage of New Vehicles (Private Cars, Taxis, Light Goods Vehicles and Light Buses) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application Site (the Site) for proposed temporary warehouse and open storage of new vehicles (private cars, taxis, light goods vehicles and light buses) for a period of 3 years (**Plan A-1**). The Site falls within “OU(E&TP)” zone on the approved HSK and 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 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 vacant (**Plan A-4**).
- 1.2 A small part of the Site (about 5.3%) is related to a previous application No. A/YL-HT/886 for temporary public vehicle park (excluding container vehicle) for a period of 3 year (**Plan A-1**) approved with conditions by the Rural and New Town

Planning Committee (the Committee) on 21.3.2014. All approval conditions had been complied with and the planning permission lapsed on 21.3.2017. The current application is submitted by a different applicant for a different use with a different layout at a much larger site.

- 1.3 The applicant explains that the purpose of the current application is for reprovisioning two current operations for warehouse and open storage of new vehicles near Ping Ha Road and Yick Yuen Road, the sites of which would be affected by an earlier phase of the Hung Shui Kiu / Ha Tsuen New Development Area (HSK/HT NDA) development, at the Site which will only be required for NDA development at a later stage (**Drawing A-4**). The applicant has entered a Memorandum of Understanding (MoU)¹ with the current operator who agree to relocate their business to the Site gradually, and indicates that the Site falls partly within the Second Phase Development² of the HSK/HT NDA project with a tentative implementation programme between 2024 to 2030. He is willing to handover the Site unconditionally when the Site is required by the Government. In this regards, he will seek alternative locations for the operator to relocate the current business in a longer term.
- 1.4 The Site is accessible from Tin Ha Road via a local track and the ingress/egress point is at the eastern portion of the Site (**Drawing A-1, Plans A-2 and A-3**). There will be four single-storey structures with a total floor area of about 6,498m², comprising a warehouse (9.5m high with floor area of 6,432m²) and 3 single-storey structures for site office (2.6m high with floor area of 15m²), a water tank and pump room (4.5m high with floor area of 35m²) and an electricity meter room (3m high with floor area of 16m²). A total of four private car parking spaces for staffs and four loading/unloading bays will be provided. A setback of about 40m will be provided near the ingress/egress point for vehicle manoeuvring of goods vehicles and to avoid queueing of goods vehicles along the local track. Moreover, a setback of 5.5m from the site boundary will be provided for periphery landscaping. According to the applicant, the proposed development is anticipated to generate 4 to 5 trips per day for transporting new vehicles to/from the Site. The operation hours of the proposed development will be 7:00 am to 8:00 pm from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The proposed landscape and drainage proposals are at **Drawings A-2 to A-3** respectively.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 25.5.2020 (**Appendix I**)
 - (b) Supplementary planning statement (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 3.6.2020 (**Appendix Ib**) providing background information

¹ The applicant has provided a MoU with Zung Fu Company Ltd., operator of the existing storage facilities for new vehicles near Ping Ha Road and Yick Yuen Road. Such MoU is deposited at the secretariat for Member's inspection.

² Advance Works Phase 3 and Stage 2 Works are referred to as Second Phase Development, whereas Stage 3 and Stage 4 Works are referred to as Remaining Phase Development.

- (d) Further Information (FI) dated 29.6.2020 from the **(Appendix Ic)** applicant in response to Civil Engineering and Development Department's comments
[exempted from publication and recounting requirements]
- (e) FI dated 31.7.2020 from the applicant in response to **(Appendix Id)** Drainage Services Department's comments
[exempted from publication and recounting requirements]
- (f) FI dated 14.8.2020 from the applicant in response to **(Appendix Ie)** public comments and providing supporting letters from the village representatives and local residents
[exempted from publication and recounting requirements]
- (g) FI dated 21.9.2020 from the applicant providing **(Appendix If)** background information on the vehicular access of two existing operations in Old Sites 1 and 2
[exempted from publication and recounting requirements]
- (h) FI dated 28.9.2020 from the applicant providing **(Appendix Ig)** background information on the need for relocation of two existing operations affected by Hung Shui Kiu / Ha Tsuen New Development Area
[exempted from publication and recounting requirements]

1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 24.7.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application. On 1.9.2020, the Committee decided to defer a decision on the application for one month as requested by the applicant. The application is scheduled for consideration of the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement, SI and FI at **Appendices Ia to Ig**. They can be summarized as follows:

- (a) The proposed development aims to relocate two current operations for warehouse and open storage of new vehicles that will be affected by the HSK/HT NDA project. As the ingress/egress point of two existing sites will be affected by the proposed road and associated works under Advance Works (Phase 3) of the HSK NDA project, the daily operations of these sites will be affected. The Site, which falls in a later stage of HSK NDA works programme, is considered suitable for relocating the operations in support of the vehicle retail industry in Hong Kong.
- (b) The Site is closed to the Kong Sham Western Highway (KSWH) which could offer temporary storage facility to the cross boundary users for the need of a short period of storage facility.

- (c) The application is considered fully commensurate with its local geographical setting and ideal to attain utmost land use maximization without giving rise to detrimental impacts on the environment.
- (d) With appropriate mitigation measures, including peripheral planting and confinement of operation hours, no adverse traffic, drainage and environmental impacts are envisaged. Taken into account the public concerns, the applicant proposed that a green buffer of 5.5m width will be reserved along the periphery of the Site, which serves as a setback from an existing pedestrian footpath along the northern site boundary for local residents' use.
- (e) The applied use is temporary in nature and compatible with the surrounding area, which is occupied by a number of open storage uses.
- (f) The temporary nature of the application would not jeopardize the long-term planning intention of "OU(E&TP)" zone or any planned infrastructural development.

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 publishing a notice on local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members' inspection. The "Owner's Consent / Notification Requirements" are not applicable to the Government land portion.

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 Site is not subject to planning enforcement action.

6. Previous Application

A small part of the Site is related to a previous application No. A/YL-HT/886³ for temporary public vehicle park (excluding container vehicle) for a period of 3 year approved with conditions by the Committee on 21.3.2014 mainly on the considerations that temporary use would not frustrate the long-term use planning intention of the then "R(D)" zone, the applied use was not incompatible with the surrounding land uses, and the development would unlikely generate significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. All the approval conditions had been

³ The Site was zoned "Residential (Group D)" ("R(D)") on the then Approved Ha Tsuen Outline Zoning Plan (OZP) Plan No. S/YL-HT/10 at time of consideration of the application.

complied with and the planning permission lapsed on 21.3.2017. Details of the application are summarized at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Application

There is no similar application within the same “OU(E&TP)” zone.

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

8.1 The Site is:

- (a) currently vacant; and
- (b) accessible from Tin Ha Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are a food processing workshop and an open storage of construction materials and workshop under valid planning permission, an orchard and some residential dwellings of San Sang Tsuen;
- (b) to its east are some residential dwellings, vacant land, open storage yard and MTR West Rail line. To its further east are some parking of vehicles and a sitting-out area;
- (c) to its south are residential dwellings, scrubland and an orchard; and
- (d) to its west and southwest are some open storage yards, recycling materials workshops and residential dwellings.

9. Planning Intention

The planning intention of the “OU(E&TP)” zone is primarily to provide development space for accommodating a variety of innovation and technology uses, including research centre, testing and certification, data centre, modern industries and other related businesses and non-polluting industrial uses.

10. Comments from Relevant Bureau / Government Departments

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

Policy Support

10.1.1 Comments of the Secretary for Development (SDEV):

- (a) The application is to facilitate interim relocation of two existing operations for warehouse and open storage of new vehicles, which will be displaced by an earlier phase of the government-led HSK/HT NDA project. The Applicant has proposed using the Site (which will be needed for a later phase of the HSK/HT NDA development) for

temporary decanting purpose, so as to allow the concerned operator to continue his business scheme in the coming years while at the same time to search for a suitable longer-term premises. Noting the difficulty in and time likely required for searching a suitable relocation site, the proposal is conducive to the smooth clearance for and implementation of the NDA project.

- (b) The Site is considered suitable for relocating the affected existing operations temporarily in land use terms. The proposed warehouse and open storage of new vehicles use is of a smaller scale compared to the two existing operations to be displaced by the HSK/HT NDA. Concerned departments expressed that the proposed development will not have insurmountable impacts in technical terms.
- (c) The Applicant has also indicated that he understood that the Site will in due course be resumed by Government for the HSK/HT NDA project, and he is willing to hand over the Site unconditionally when required by the Government even during the approval period. As such, approval of the Application should not jeopardise the implementation programme for the NDA project.
- (d) From the perspectives of ensuring timely implementation of the NDA project and providing operating space for displaced brownfield operations still needed by the community, even on a temporary basis, the application is supported.

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots (OSALs) and GL. The OSALs are 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) No permission has been given for occupation of the GL (about 299.2m² subject to verification). The act of occupation of GL without Government's prior approval is not allowed.
- (c) According to his record, there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.
- (d) Should the application be approved, the lot owner(s) of the lot(s) without Short Term Waiver (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 applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. 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

10.1.3 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring space 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 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.

10.1.4 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 Tin Ha Road.

Environment

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

- (a) He does not support the application as there are sensitive uses in the vicinity of the Site (the nearest residential dwelling is about 7m away at its northwest) (**Plan A-2**) and environmental nuisance is expected.
- (b) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Landscape

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

- (a) He has no objection to the application from landscape planning perspective.
- (b) With reference to the aerial photo of 2019, the Site is cleared and

partially covered with self-seeded vegetation. Existing village houses are found in the surrounding areas of the Site. The Site is situated in an area of village landscape character predominated by vegetated areas, village houses and open storage yards. Significant change to the landscape character arising from the application is not envisaged.

- (c) Should the application be approved by the Board, an approval condition requiring the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the Board should be stipulated.
- (d) Taking note of the significant size of the Site, the applicant is advised to setback the fence from the site boundary facing public frontage to allow sufficient space for provision of effective screen planting outside the fence.
- (e) Appropriate landscape treatments, such as planting of small trees and /or palm trees, vertical greening, etc. along the site boundary for screening purpose would be further reviewed at the submission stage of the landscape proposal.
- (f) The applicant is advised that approval of the s.16 application by the Board does not imply approval of tree works such as pruning, transplanting and/or felling under lease. Applicant is reminded to approach relevant authority / Government department(s) direct to obtain the necessary approval on tree works.

Drainage

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

- (a) He has no objection to the proposed development from a drainage point of view.
- (b) According to the submitted drainage impact assessment, the applicant committed to further submit a detailed drainage proposal for his comment upon the completion of a topographic survey.
- (c) Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition be stipulated in the approval letter requiring the applicant to submit a detailed drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.

Water Supply

10.1.8 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) Existing water mains will be affected (**Plan A-2**). A waterworks

reserve within 1.5m from the center line of the water main shall be provided to WSD. No structure shall be built or materials stored within the waterworks reserve. Free access shall be made available at all times for staff of WSD and their contractor to carry out construction, inspection, operation, maintenance and repair works.

- (c) No trees or shrubs with penetrating roots may be planted within the waterworks reserve or in the vicinity of the existing water main (**Plan A-2**).
- (d) Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the Site.

Building Matters

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

- (a) There is no record of approval granted by the Building Authority (BA) for the existing structures at the Site.
- (b) If the existing structures (not being a New Territories Exempted Houses) 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 the BD to effect their removal in accordance with the prevailing 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) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are UBW. An Authorized Person (AP) 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) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Fire Safety

10.1.10 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire services installation (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 his department 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. Good practice guidelines for open storage is attached at **Appendix IV**.
- (d) Having considered the nature of the open storage, an additional approval condition requiring “the provision of fire extinguisher(s) within 6 weeks from the date of planning approval” should be stipulated. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to his department for approval.
- (e) The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Long Term Development

10.1.11 Comments of 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 (formerly known as HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 Works to Stage 4 Works. The western part of the Site falls within Stage 2 Works, whereas the eastern part of the Site falls within Stage 3 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK/HT NDA expected in 2024.

- (c) Part of the applicant's Old Site 1 and part of Old Site 2 fall within Advance Works Phase 3. The access to these sites will also be affected by Advance Works Phase 3, which construction works is planned to commence in 2024.

10.1.12 Comments of Chief Estate Surveyor/New Development Area Section (NDA), Lands Department (CES/NDA, LandsD):

- (a) The Site falls within second phase and remaining phase development.
- (b) After Finance Committee's funding approval given in June, his Office is processing the land resumption and clearance work for the First Phase Development while CEDD is conducting the detail design for the second phase development of HSK/HT NDA. Upon CEDD's confirmation of the project programme of the Second Phase Development, his Office will proceed with land resumption and clearance accordingly. Any compensation payable will be subject to checking of title and eligibility as the resumption proceeds.
- (c) The general guidelines on the compensation and rehousing arrangements available for eligible parties affected by Government development clearance exercise, and some flexibility implementation arrangements including "consecutive continuous occupation of different surveyed/licenced structures or lots (for open-air/outdoor business undertakings) by domestic occupants in squatter structures or business undertakings in the same affected area (i.e. within the boundary of the area to be cleared for development) may be counted towards the minimum continuous residence/occupation period immediately preceding the date of the Pre-clearance Survey (PCS);" is available at LandsD website.

District Officer's Comments

10.1.13 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 received a batch of letters of comment (15 in total) from the village representative of San Sang Tsuen, residents of Full Lam Garden and Galore Garden supporting the application on the reasons that the proposed storage of new vehicles which will not generate air pollution, traffic congestion and would be a better utilization of land.

10.2 Director of Electrical and Mechanical Services (DEMS) has no comment on the application:

11. Public Comments Received During Statutory Publication Period

On 5.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, seven public comments from individuals were received. Six of them objected to the application for reasons on traffic impact,

flooding and safety concerns (**Appendices V-1 to V-6**). The remaining comment raises concerns on the progress of the implementation of the HSK NDA (**Appendix V-7**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary warehouse and open storage of new vehicles (private cars, taxis, light goods vehicles and light buses) for a period of 3 years at a site zoned “OU(E&TP)” on the OZP. The planning intention of the “OU(E&TP)” zone is primarily to provide development space for accommodating a variety of innovation and technology uses, including research centre, testing and certification, data centre, modern industries and other related businesses and non-polluting industrial uses. Whilst the proposed development is not in line with the planning intention, the implementation programme for this part of NDA is still being formulated, and PM/W, CEDD has no objection to the temporary use for a period of 3 years at the Site. 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 proposed temporary warehouse and open storage of new vehicles (private cars, taxis, light goods vehicles and light buses) under application is not incompatible with the surrounding land uses which includes food processing, storage and workshop. While the Site is located close to the residential dwellings at San Sang Tsuen, the applicant has proposed a minimum setback of 5.5m from the site boundary for landscaping to act as a green buffer (**Drawing A-2**).
- 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. Applications will normally be rejected unless under exceptional circumstances.

Notwithstanding the above, the Guidelines also stipulate that having considered that the open storage and port back-up uses have a role to play in Hong Kong’s economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government

to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to such type of applications, except for those in Category 4 area, if policy support is given by the relevant policy bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and no adverse departmental comments or local objections or the concerns could be addressed by approval conditions.

- 12.4 Although falling within a greenfield area within the HSK/HT NDA, the Site is within the "OU(E&TP)" zone which is planned to provide development space for accommodating various uses, including non-polluting industrial uses. The Secretary for Development (SDEV) advises that the application is to facilitate the interim relocation of two existing operations⁴ which will be displaced by the earlier phase of the NDA. Noting the difficulty in and time likely required for searching a suitable relocation site, the proposal is conducive to the smooth clearance for the NDA. SDEV also notes that the Site is suitable for relocating the affect operation temporarily in land use terms, the proposed use is of smaller scale than its two existing operations, the applicant is willing to hand over the Site to the Government when required and hence the application would not jeopardize the implementation programme of the NDA. From the perspectives of ensuring timely implementation of the NDA and providing space for displaced brownfield operation still needed by the community, even on a temporary basis, SDEV supports the application. PM/W, CEDD also confirms the existing operations, as claimed by the applicant, would be affected under Advance Works Phase 3 of the HSK/HT NDA project and has no objection to the application. In view of the above and the assessment criteria in TPB PG-No.13F, sympathetic consideration may be given to the application.
- 12.5 There is no adverse comment from concerned Government departments, except DEP. DEP does not support the application as there are domestic structures in the vicinity (the nearest residential dwelling being about 7m away), and environmental nuisance is expected (**Plan A-2**). In this regard, relevant approved conditions are recommended in paragraph 13.2 to address the concerns on the possible environmental nuisances (i.e. operation hours, boundary fencing) or the technical requirements of the other concerned Government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would thus 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' in order to minimize the possible environmental impacts on the nearby sensitive receivers.
- 12.6 There are 15 supporting comments from the village representative and local residents received by DO/YL, HAD and seven public comments raising objections or concerns received during statutory publication period as summarized in paragraphs 10.1.13 and 11 above. The planning considerations and assessments and departmental comments in the above paragraphs are relevant.

⁴ The two sites currently use for warehouse and open storage of new vehicles fall within areas zoned "Commercial (2)" and "Industrial" on the OZP and have areas of about 22376m² and 11822m² respectively. According to Planning Department's information, these two sites were used for open storage purpose when the first relevant statutory town plan was published in the Gazette.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the local views and public comments mentioned in paragraphs 10.1.12 and 11, the Planning Department considers that the proposed temporary warehouse and open storage of new vehicles 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 **9.10.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:
- (a) no operation between 8:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
 - (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
 - (c) no vehicle is allowed to queue back to or reverse onto/from public roads at any time during the planning approval period;
 - (d) 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 **9.4.2021**;
 - (e) in relation to (d) 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 **9.7.2021**;
 - (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
 - (g) the provision of fire extinguisher(s) within **6 weeks** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **20.11.2020**;
 - (h) the submission of a 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 **9.4.2021**;
 - (i) in relation to (h) 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 **9.7.2021**;
 - (j) the submission of a landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **9.4.2021**;
 - (k) in relation to (j) above, the implementation of the landscape proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **9.7.2021**;
 - (l) the provision of boundary fencing of the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town

Planning Board by **9.4.2021**;

- (m) if any of the above planning conditions (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
- (n) if any of the above planning conditions (d), (e), (g), (h), (i), (j), (k) or (l) 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 VI**.

- 13.3 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 "Other Specific Uses" annotated "Enterprise and Technology Park" zone, which is primarily to provide development space for accommodating a variety of innovation and technology uses, including research centre, testing and certification, data centre, modern industries and other related businesses and non-polluting industrial use. There is no strong planning justification in the submission to merit a departure from such planning intention, 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

Appendix I	Application Form received on 25.5.2020
Appendix Ia	Supplementary planning statement
Appendix Ib	Supplementary Information (SI) received on 3.6.2020 providing background clarification
Appendix Ic	Further Information (FI) dated 29.6.2020 from the applicant in response to Civil Engineering and Development Department's comments
Appendix Id	FI dated 31.7.2020 from the applicant in response to Drainage Services Department's comments
Appendix Ie	FI dated 14.8.2020 from the applicant in response to public comments and provide supporting letters from the village

	representatives and local residents
Appendix If	FI dated 21.9.2020 from the applicant providing background information on the vehicular access of two existing operations in Old Sites 1 and 2
Appendix Ig	FI dated 28.9.2020 from the applicant providing background information on the need for relocation of two existing operations affected by Hung Shui Kiu / Ha Tsuen New Development Area
Appendix II	Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous application covering the Site
Appendix IV	Good practice guidelines for open storage
Appendices V-1 to V-7	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	Phasing Plan of HSK NDA Advance Works Phase 3 – Site Formation and Engineering Infrastructure and HSK NDA Stage 2 Works - Site Formation and Engineering Infrastructure Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2020**