

RNTPC Paper No. A/HSK/128  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 22.2.2019

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

**APPLICATION NO. A/HSK/128**

- Applicant** : Ms. WONG Wai Chee represented by R-riches Property Consultants Limited
- Site** : Lot 2238 S.A RP (Part) in D.D. 124 and adjoining Government Land, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 752 m<sup>2</sup> (including about 61 m<sup>2</sup> of Government Land)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Residential (Group B) 3” (“R(B)3”) [Restricted to maximum plot ratio of 1.26, maximum site coverage of 40% and maximum building height of 6 storeys over single-storey car park]
- Application** : Proposed Temporary Warehouse (Furniture Storage) 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 (furniture storage) for a period of 3 years (**Plan A-1**). The Site is currently occupied by a vacant structure.
- 1.2 The Site falls within an area zoned “R(B)3” on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2. According to the Notes of the OZP, there is no provision for ‘Warehouse’ use in “R(B)3” zone. Despite this, the Covering Notes on the OZP stipulate that temporary use not exceeding a period of three years requires permission from the Town Planning Board (the Board).
- 1.3 The Site is accessible via Tin Ha Road (**Plan A-2**). According to the applicant, one 1-storey structure and one loading/unloading space for light goods vehicle (LGV) are proposed within the Site (**Drawing A-1**). No medium or heavy goods vehicle exceeding 5.5 tonnes will be allowed to be parked/ stored at or enter the Site.

- 1.4 The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	About 752 m <sup>2</sup> (including about 61 m <sup>2</sup> of Government Land)
<b>Applied Use</b>	Proposed Temporary Warehouse (Furniture Storage) for a Period of 3 Years
<b>Total Floor Area</b>	About 752 m <sup>2</sup>
<b>No. of Structures</b>	1 (about 7.5m tall, 1-storey)
<b>No. of Loading/Unloading Spaces</b>	1 for light goods vehicle (3.5m x 7m)
<b>Operation Hours</b>	10:00 a.m. to 5:00 p.m. (Monday to Saturday)

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

- (a) Application form received on 2.1.2019 **(Appendix I)**
- (b) Supplementary planning statement with location plan, proposed layout plan received on 2.1.2019 **(Appendix Ia)**
- (c) Further information received on 23.1.2019 **(Appendix Ib)**  
*(accepted and exempted from publication)*

## **2. Justifications from the Applicant**

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

- (a) The proposed use is compatible with the surrounding land uses.
- (b) The proposed use is an ‘Existing Use’. The Site was subject to a short term waiver for storage use granted by the Lands Department in 1984. The application complies with Town Planning Guidelines (TPB PG) No. 13E.
- (c) The proposed warehouse will not be open to the public. The proposed development does not have adverse traffic, environmental and drainage impacts to the surroundings.

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

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

#### **4. Background**

- 4.1 The Site is not subject to any planning enforcement action. However, it is noted that some suspected unauthorised structures had been erected on the Site.
- 4.2 The Site falls within an area designated as “Residential Group 3” (“R3”) on the adopted Hung Shui Kiu and Ha Tsuen Outline Development Plan (ODP) No. D/HSK/1. According to the ODP, “R3” zone is primarily for low density private residential developments.

#### **5. Previous Application**

The Site is not the subject of any previous planning application.

#### **6. Similar Application**

There is no similar application within the same “R(B)3” zone on the OZP.

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

7.1 The Site is:

- (a) vacant, fenced and hard-paved with vacant structures; and
- (b) accessible from Tin Ha Road (**Plan A-2**).

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

- (a) to the north are some temporary structures mainly for warehouse, storage uses and some residential dwellings. To the further northeast is a residential development (Parkview Garden);
- (b) to the east are some temporary structures for warehouse and office uses; to the further southeast are some residential dwellings;
- (c) to the immediate south are some temporary structures for warehouse use; to the further south and southwest are a two-storey building for religious institution use (the Church of Jesus Christ of Latter – Day Saints (Hung Shui Kiu)) with valid planning permission No. A/YL-PS/262, and Tin Ha Road Playground; and
- (d) to the west are for warehouse, electricity substation, open storage use for construction materials and containers; to the further northwest are some residential dwellings.

## **8. Planning Intentions**

The planning intention of the “R(B)3” zone is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) No permission is given for occupation of Government Land (GL) included in the Site (about 61m<sup>2</sup> subject to verification). The applicant’s attention is drawn to the fact that the act of occupation of GL without Government’s prior approval is not allowed.
- (c) The Site is accessible from Tin Ha Road through GL. His office provides no maintenance works to the GL involved and does not guarantee any right-of-way over the GL to the Site.
- (d) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (e) According to his record, for these lots, there is no lease modification/ land exchange applications nor building plan submissions at the Site approved/under processing.
- (f) Should planning approval be given to the subject planning application, the lot owner(s) of the lot(s) without Short Term Waiver (STW) will need to apply to the his office for permitting the structures to be erected or to regularise any irregularities on Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered.
- (g) No construction of New Territories Exempted Building(s) will be considered or allowed. Application(s) for any of the above will be considered by the 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 the LandsD.

### **Building Matters**

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

- (a) As there is no record of approval by the Building Authority (BA) for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) If the existing structures (not being a New Territories Exempted House (NTEH)) are erected on leased land without approval of the BD, they are unauthorised 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 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 and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorised 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) 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.

### **Traffic**

#### 9.1.3 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 should be provided within the Site. No vehicles are allowed to queue back to public roads or reverse back 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.

9.1.4 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) His department shall not be responsible for the maintenance of any access connecting the Site and Tin Ha Road.

**Environment**

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

- (a) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites".
- (b) Nevertheless, he would like to remind the applicant that effluent discharges from the proposed use are subject to control under the Water Pollution Control Ordinance (WPCO). A discharge license under the WPCO should be obtained before a new discharge is commenced. It is the obligation of the applicant to meet all statutory requirements under relevant pollution control ordinances and provide necessary mitigation measures.
- (c) There was no environmental complaint pertaining to the Site received in the past 3 years.

**Drainage**

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

- (a) He has no objection to the proposed application from a drainage point of view.
- (b) Should the application is considered acceptable from the planning point of view, approval conditions requiring the submission of

drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Office should be stipulated in the approval letter.

### **Fire Safety**

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

- (a) He has no objection in principle to the proposal subject to fire service installations (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.
- (d) 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.

### **Others**

#### 9.1.8 Comments of the Director of Food and Environmental Hygiene (DFEH):

- (a) No Food and Environmental Hygiene Department's (FEHD) facilities shall be affected and such activity and operation shall not cause any environmental nuisance, pest infestation and obstruction to the surrounding.
- (b) For any waste generated from such activity/operation, the applicant should arrange disposal properly at her own expenses.
- (c) Proper licence/permit issued by FEHD is required if there is any catering service/activities regulated by the Director of Food and Environmental Hygiene under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public.

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

- (a) He has no objection to the proposed 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 Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, the Site falls within Stage 3 works. While the detailed implementation programme for the project is still being formulated, it is envisaged that the clearance of the Site will not be arranged before the first population intake of the HSK NDA expected in 2024.

### **District Officer's Comments**

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

His Office has not received any comment from the locals on the application.

- 9.2 The following government departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (c) Director of Agriculture, Fisheries and Conservation (DAFC);
- (d) Director of Leisure and Cultural Services (DLCS); and
- (e) Antiquities and Monuments Office, Commissioner for Heritage's Office (AMO, CHO).

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

On 11.1.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 1.2.2019, one public comment from a private individual was received. The commenter objects to the application mainly on grounds that the proposed development which is encircled by residential developments and other community facilities is not compatible to the surrounding land use, and suggests the application be rejected so that the development of Hung Shui Kiu New Development Area project would be expedited (**Appendix II**).

## **11. Planning Considerations and Assessments**

11.1 The Site falls within "R(B)3" zone on the OZP. The "R(B)3" zone is intended primarily for medium-density residential developments. The Site falls within Stage 3 works of the HSK NDA. While the detailed implementation programme is still being formulated, it is envisaged that the clearance of the Site will not be arranged before the first population intake of the HSK NDA expected in 2024. Although the applied use is not in line with the planning intention of the "R(B)3" zone, approval of the application on a temporary basis would not jeopardise the planning intention of the "R(B)3" zone. However, should the application be approved, it is suggested to include an advisory clause stating that the Site might be resumed by the Government at any time during the planning approval period for the implementation of Government projects.



- 11.2 The proposed development occupies an area of about 752m<sup>2</sup> with a single-storey structure covering the whole site. It is considered that the proposed use and the development scale is not incompatible with the surrounding area which are predominantly residential use intermixed with a church, vacant land and some workshops/storage use.
- 11.3 There is no adverse comment or objection to the application from concerned departments, including AC for T, D of FS and CE/MN of DSD. The applied use will unlikely create significant adverse traffic, fire safety, drainage or environmental impacts to the surrounding area. To minimise any possible environmental impacts and nuisance on the surrounding area, and to address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and any unauthorised development on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant mitigation measures and requirements set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise any potential environmental impact.
- 11.4 There is one public comment received objecting to the application on grounds of land use planning as summarised above. The planning considerations and assessments above are also relevant.

## 12. **Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment in paragraph 10, the Planning Department considers that the proposed temporary warehouse (furniture storage) 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 **22.2.2022**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### *Approval conditions*

- (a) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (b) 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 **22.8.2019**;
- (c) in relation to (b) 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 **22.11.2019**;

- (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 **22.8.2019**;
- (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 **22.11.2019**;
- (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) if any of the above planning conditions (a) or (f) 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
- (h) if any of the above planning conditions (b), (c), (d) or (e) 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 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 development is not in line with the planning intention of the "R(B)3" zone which is primarily for medium-density residential developments. No strong planning justification has been 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 reasons for rejection should be given to the applicant.

**14. Attachments**

<b>Appendix I</b>	Application Form
<b>Appendix Ia</b>	Supplementary Planning Statement with location plan and proposed layout plan
<b>Appendix Ib</b>	Further Information received on 23.1.2019
<b>Appendix II</b>	Public Comment received
<b>Appendix III</b>	Advisory Clauses
<b>Drawing A-1</b>	Proposed Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2019**