

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/282

- Applicant** : Sun Loyal Holdings (HK) Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 673 (Part), 674 (Part), 675 S.A, 675 S.B and 676 (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : 1,480m² (about) (including GL of about 21m² (or 1.4%))
- 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** : “Open Space” (“O”)
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Food Provision for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary warehouse for storage of food provision for a further period of 3 years (**Plan A-1**). The Site falls within an area zoned “O” on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use 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 used for the applied use with valid planning permission (**Plans A-4a and 4b**).
- 1.2 The Site is related to three previous applications for temporary open storage of metal scaffolds for a period of 12 months and temporary warehouse for storage of food provision for a period of 3 years (**Plan A-1**). The last application No. A/HSK/49 for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 2.3.2018 for a period of 3 years with validity till 2.3.2021. All time-limited approval conditions have been complied with.
- 1.3 The Site is accessible from San Sik Road via local tracks and the ingress/egress point is at the southern boundary of the Site (**Drawing A-1 and Plans A-2 to A-3**). As shown on the layout plan at **Drawing A-2**, 4 temporary structures with a total floor area of about 1,068m² and 1 to 2-storey (3 to 8m in height) are proposed. A

loading/unloading bay for light goods vehicle is also proposed. According to the applicant, the food being stored at the Site includes sugar, salt, rice and flour, and the delivery of goods will be carried out by light goods vehicle. According to the applicant, the operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The proposed tree preservation plan, as-built drainage plan and fire service installations (FSIs) plan are at **Drawings A-3 to A-5**.

- 1.4 Compared with the last application (No. A/HSK/49), the current application is submitted by the same applicant for the same use at the same site, and the development parameters and site layout remain unchanged.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 30.11.2020 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 3.12.2020 **(Appendix Ia)** confirming no change in layout and providing the fire service installations (FSIs) plan and related certificate

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 Site is the subject of two previous planning permissions for the same applied use since 2015. The applicant had complied with all the approval conditions in the last planning permission.
- (b) The Site is situated within the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) so that existing port back-up uses may be given sympathetic consideration until the Site is required for the implementation of the NDA development according to the Town Planning Board Guidelines for Application of Open Storage and Port Back-up Uses (TPB PG-No.13F)¹.
- (c) The proposed development is a temporary use for a period of 3 years and would not jeopardize the long-term planning intention of the current zoning.
- (d) There is a shortage of land for port back-up purpose in Ha Tsuen.
- (e) The applied use is not incompatible with the surrounding environment including open storage and port back-up uses. The planning circumstances pertaining to the Site are similar to the recent approval of adjacent open storage and port back-up uses.
- (f) There are insignificant environmental and noise impacts since the applied use is housed within an enclosed structure and no operation will be held during sensitive hours. There will also be insignificant drainage impact because surface U-channel has been provided at the Site. Minimal traffic impact is expected.

¹ TPB PG-No. 13F is not applicable to the applied warehouse use.

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 notice to the Ha Tsuen Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the Government land portion.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is related to three previous applications (No. A/YL-HT/156 and 976 and A/HSK/49) for temporary open storage and temporary warehouse uses. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-HT/156 for temporary open storage of metal scaffolds was rejected by the Committee on 14.7.2000 for the reasons that the proposed development was not in line with the planning intention of the then “REC” zone and there was no information in the submission to demonstrate that the development would not have adverse traffic, environmental and drainage impact on the surrounding areas.
- 6.3 The other two applications (No. A/YL-HT/976 and A/HSK/49) for temporary warehouse for storage of food provision were approved with conditions by the Committee for a period of 3 years in 2015 and 2018 respectively on the considerations that the applied uses were not incompatible with the surrounding areas and no major adverse comments from concerned Government departments. However, the planning permission under application No. A/YL-HT/976 was subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.4 The current application is submitted by the same applicant for the same applied use with the same layout and development parameters as the last approved application No. A/HSK/49, under which all time-limited approval conditions have been complied with. The current application is a renewal application.

7. Similar Application

There is no similar application within the same “O” zone on the OZP.

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

8.1 The Site is:

- (a) currently used for the applied use under valid planning permission; and
- (b) accessible to San Sik Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and northeast are two open storage yards of recycling materials while to its further north is a piece of vacant land;
- (b) to its immediate east is a storage yard and an open storage yard of recycling materials while to its further east are some village houses (Grantham) within the adjoining “Village Type Development” (“V”) zone;
- (c) to its south across a van track, are two open storage yards of recycling materials and some parking of vehicles, and to its southwest are two residential dwellings; and
- (d) to its immediate west are an open storage yard of recycling materials and a residential dwelling (9m away). To the further west are some temporary structures for residential use and several open storage yards of construction and recycling materials and vehicles, a vehicle repair workshop, a warehouse and a vacant chicken shed.

9. Planning Intention

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 Schedule 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 No. 675 S.A and 675 S.B both in D.D. 125 are covered by a Short Term Waiver (STW) No. 4523 for the purposes of “Temporary Warehouse for Storage of Food Provision”.
- (c) The GL (about 21m²) in the Site is covered by a Short Term Tenancy (STT) No. 2979 for the purposes of “Temporary Warehouse for Storage of Food Provision”.

- (d) Should the application be approved, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate and 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. 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 rent 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 San Sik 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'.

Drainage

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

- (a) The current application is a renewal of planning approval of the previous application No. A/HSK/49. According to the applicant's submission, the existing drainage facilities would be maintained. 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 should be reminded of the detailed comments in **Appendix V**.

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) The applicant should be reminded of the detailed comments in **Appendix V**.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

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, 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 New Development Area (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 Second Phase and 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 Second Phase development will commence in 2024. In

this regard and subject to the necessary approval as required, the Government planned to acquire these relevant sites by end 2023 for the development of HSK/HT NDA.

Others

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

- (a) The Site falls within areas zoned “O” 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) Since the application period is only three years, he 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 8.12.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. The commenters raised concerns/objected to the application on reasons that the development will increase traffic flow and pose safety hazards to the villagers, and that approving the brownfield uses would cause environmental degradation and affect the implementation of the planned development (**Appendices IV-1 to 2**).

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning approval for temporary warehouse for storage of food provision for a period of 3 years at a site zoned “O” on the OZP. 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. Whilst the applied use is not in line with the planning intention of the “O” zone, PM/W of CEDD and DLCS have no objection to the temporary use 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 various open storage yards and warehouse uses. The applied use is generally not incompatible with the surrounding land uses (**Plan A-2**).
- 12.3 The current application is a renewal application of the last approved application (No. A/HSK/49) for three more years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval, and the approval of the application on a temporary basis would not jeopardize the implementation of the zoned use. Compared with the last approved application No. A/HSK/49, the current application is submitted by the same applicant with the layout and development parameters remain unchanged, and all the approval conditions under the last approved application have been complied with. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.
- 12.4 Relevant Government departments, including C for T, CE/MN, DSD, DEP and D of FS, have no objection to or adverse comment on the application. 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.
- 12.5 The Committee has approved two previous applications for the same use at the Site (**Plan A-1**). Approval of the current application is in line with the Committee's previous decisions.
- 12.6 There are two public comments 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 comments mentioned in paragraph 11, the Planning Department considers that the renewal of planning approval for temporary warehouse for storage of food provision could be tolerated for a further 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 and be renewed from **3.3.2021 to 2.3.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 7:00 p.m. to 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) the existing landscape planting on the Site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the existing fire services installations shall be maintained in efficient working order at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **3.6.2021**;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e) 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
- (i) if the above planning condition (g) 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.

*[Conditions (a), (b), (c), (d), (e) and (g) are all the same as the previous Application No. A/HSK/49 while the previous conditions on submission and implementation of FSIs are replaced by condition (f), as the FSIs have been accepted by D of FS and fire certificates issued (**Appendix Ia**)]*

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

- 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 "O" zone which 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. There is no strong planning justification for a departure from the 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 30.11.2020 with drawings
Appendix Ia	SI received on 3.12.2020 confirming no change in layout and providing the FSIs plan and related certificate
Appendix II	Relevant extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)
Appendix III	Previous Applications Covering the Site
Appendices IV-1 to 2	Public Comments
Appendix V	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	Fire Service Installations Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2021**