

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

**APPLICATION NO. A/HSK/43**

- Applicant** : Li Wing On represented by Metro Planning and Development Company Limited
- Site** : Lots 51 (Part), 57 (Part), 58 (Part), 60, 61, 62, 63 (Part), 64, 65, 66 (Part), 67 (Part), 144 (Part), 145 (Part), 146 (Part) & 147 (Part) in D.D. 125 and Lots 3220 (Part), 3221 S.A (Part), 3221 S.B (Part), 3222 (Part), 3223 (Part), 3224 (Part), 3225 S.A (Part), 3225 S.B (Part), 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3234 (Part) and 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
- Site Area** : 27,872m<sup>2</sup> (about) (including about 170m<sup>2</sup> of Government land (GL))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/1
- Zoning** : “Government, Institution or Community” (“G/IC”)(34.1%), “Open Space” (“O”)(23.6%) and area shown as ‘Road’(42.3%)
- Application** : Temporary Logistics Centre with Ancillary Office and Parking of Vehicle 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 logistics centre with ancillary office and parking of vehicle for a period of 3 years (**Plan A-1a**). The Site straddles over “G/IC” zone (about 34.1%), “O” zone (about 23.6%) and an area shown as ‘Road’ (about 42.3%) on the Draft 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 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.

- 1.2 The site is related to 7 previous applications for various temporary open storage yard, warehouse and parking of vehicle (**Plan A-1b**). The last application No. A/YL-HT/971 for temporary warehouse and parking of vehicle at a slightly smaller site was approved by the Rural and New Town Planning Committee (the Committee) of the Board with conditions for a period of 3 years on 4.9.2015. However, the application has subsequently been revoked on 4.12.2017 due to non-compliance with a time-limit approval condition on the implementation of fire services installations (FSIs). The site is currently being used for the applied use.
- 1.3 The Site is accessible from Ping Ha Road via a local track and the adjoining site through an ingress/egress point at the south-eastern corner of the site (**Plan A-2** and **Drawing A-1**). As shown on the layout plan at **Drawing A-2**, 4 temporary structures with a total of floor area of about 18,879m<sup>2</sup> are proposed, including two large single-storey structures (both 11m high) with GFA not exceeding 9,235m<sup>2</sup> and 9,490m<sup>2</sup>, both using for logistic centre (1-storey) and site office (2-storey) at the northern and southern parts of the Site, a single-storey structure (3m high) for guard room (not exceeding 4m<sup>2</sup>) and a single-storey structure (5m high) for pump room and water tank (not exceeding 150m<sup>2</sup>). 4 private car parking spaces, 4 parking spaces for medium/heavy goods vehicle as well as 8 parking spaces for container trailer are also proposed in the open area at the middle part of the Site. According to the applicant, the operation hours are from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays and no operation on Sundays and Public Holidays.
- 1.4 A comparison of the major development parameters of the last approved application and the current application is given in the following table:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/YL-HT/971) (a)</b>	<b>Current Application (A/HSK/43) (b)</b>	<b>Difference (b) – (a)</b>
Site Area	about 26,165m <sup>2</sup>	about 27,872m <sup>2</sup>	+1,707m <sup>2</sup>
Applied Use	Temporary Warehouse for Storage of Machinery, Spare Parts and Construction Material with Ancillary Office and Parking of Vehicle	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle	change to logistics centre
No. of Structures	3	4	+1
Total Floor Area	17,910m <sup>2</sup>	18,879m <sup>2</sup>	+969m <sup>2</sup>
No. of Parking Spaces	4 for private car/light goods vehicle	4 for private car 4 for medium/heavy goods vehicle 8 for container trailer	+4 medium/heavy goods vehicle +8 for container trailer
No. of Loading/ Unloading Bay	12 for container tractor/trailer	0	-12 for container tractor/trailer

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

- (a) Application Form received on 11.12.2017 (Appendix I)
- (b) Supplementary Planning Statement with location and access plan, layout plan, landscape and tree preservation plan, as-built drainage plan (Appendix Ia)
- (c) FI received on 19.12.2017 providing replacement page for application form together with revised layout plan and landscape and tree preservation plan (Appendix Ib)
- (d) FI received on 2.2.2018 providing proposal on fire services installations (Appendix Ic)

## 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 summarized as follows:

- (a) The planning intention of the “G/IC” and “O” zones could not be realized within the coming 3 years since land resumption for the development of Hung Shui Kiu new town is yet to commence.
- (b) The Site is subject to a previous planning permission for the same use. The extent of site fencing and as-built structures is slightly different from the approved layout, a fresh planning application is submitted. The operation hours are from 7:00 a.m. to 11:00 p.m. from Monday to Saturdays and no operation on Sundays and public holidays.
- (c) The Site falls mainly within “Category 2 Areas” with a minor portion within “Category 1 Areas” in accordance with the Town Planning Board Guidelines TPB PG-No. 13E which are considered suitable for open storage and port back-up uses.
- (d) Logistics yard, container depots and parking of container vehicle are found in close proximity which makes the proposed development compatible with the surrounding landscape. Open storage yards and port back-up uses in close proximity were granted with planning permission on temporary basis. Favourable consideration should be given to the present application.
- (e) Fung Kong Tsuen is situated to the west of the Site. The two warehouses erected at the Site would shield the noise and two rows of trees have been planted along the western and northern site peripheries to shield and screen the proposed development. The environmental impact of the proposed development would be insignificant.
- (f) As shown in the estimated traffic flow, the proposed use would not generate significant traffic even in peak hours. A number of preventive and environmental mitigation measures have been proposed. The ground surface of the local access road had been paved and no open storage activities would be held within 100m from Fung Kong Tsuen. The implemented drainage facilities will be maintained by the applicant.

### **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. 31) by posting site notice and advertised in the newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

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

On 17.10.2008, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application site falls within both Category 1 and 2 areas under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

The Site is currently not a subject of any active planning enforcement case. Notwithstanding, as the previous planning permission (A/YL-HT/971) on the Site was revoked on 4.12.2017, investigation is underway to ascertain whether current use of the site constitutes an unauthorized development. If confirmed, the Planning Authority will instigate enforcement action under the Town Planning Ordinance.

### **6. Previous Applications**

- 6.1 The Site is related to 7 previous applications (No. A/YL-HT/183, 201, 299, 410, 881, 916 and 971) for various temporary open storage, warehouse, workshop and parking of vehicle use in the HSK & HT OZP. Details of these applications are at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Among them, 4 applications (Applications No. A/YL-HT/183, 201, 299 and 410) were rejected by the Committee/the Board upon review between 2001 and 2007, mainly on the grounds that there was insufficient information to demonstrate no adverse traffic, environmental and drainage impacts on the surrounding areas, not compatible with the village settlements in the adjacent area; not in line with the then Town Planning Board Guidelines TPB-PG No. 13D and destroy the integrity of fish ponds.
- 6.3 The 3 subsequent applications (No. A/YL-HT/881 (only covering part of the Site), 916 and 971) were all approved by the Committee with conditions for a period of 3 years since 2014 and were however revoked due to non-compliance with approval conditions. The last application No. A/YL-HT/971 was revoked due to non-compliance with the last one time-limit approval condition on the implementation of FSIs, whilst the other time-limit approval conditions had been complied with.
- 6.4 Comparing with the last application No. A/YL-HT/971, the current application is submitted by a different applicant for different use (major use change from warehouse to logistics centre) at a slightly larger site. The number of structures is decreased from 3 to 4 (+1) and with an increase of total floor area from about

17,910m<sup>2</sup> to 18,879m<sup>2</sup> (+969m<sup>2</sup>). There is an increase of 4 parking spaces for medium/heavy goods vehicle and 8 parking spaces for container trailer but a deletion of 12 loading/unloading bays for container tractor/trailer.

## 7. Similar Applications

- 6.1 There are 11 similar applications for logistics uses at the same “G/IC” and “O” zones on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008. Particulars of these applications and the decisions of the Committee are summarized at **Appendix IV**. The locations of these application sites are shown on **Plan A-1a**.
- 6.2 All of the 11 similar applications were approved by the Committee. Among them, 3 applications (No. A/YL-HT/616, 689 and 959) were subsequently revoked due to non-compliance with approval conditions.

## 8. The Site and Its Surrounding Areas (Plan A-1a to Plan A-4c)

8.1 The site is:

- (a) being used for the applied development without a valid planning permission; and
- (b) accessible from Ping Ha Road via a local track and the adjoining site.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is a piece of vacant land and miscellaneous use while to its further north at the opposite side of Fung Kong Tsuen Road is the “Village Type Development” (“V”) zone;
- (b) to its northeast are a logistics centre and a warehouse which are suspected unauthorized developments (UDs) while to its east is an open storage yard for containers under the planning permission of Application No. A/YL-HT/946, and some residential dwellings (the nearest one is about 76m away) (**Plan A-2**);
- (c) to its south is logistics centre under the planning permission of Application No. A/HSK/9; and
- (d) to its immediate west is a vehicle park which is a suspected UD, another vehicle park under the planning permission of Application No. A/HSK/12, and a piece of vacant land and parking of lorries & trailers which is a suspected UD; to its further west are the village settlement of Fung Kong Tsuen (the nearest one is about 87m away) (**Plan A-2**).

## 9. Planning Intention

- 9.1 The Site straddles over “G/IC” and “O” zones and an area shown as ‘Road’ on the draft HSK and HT OZP. The planning intention of the “G/IC” zone is intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 9.2 The planning intention of the “O” zone is intended 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 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) Two portions of the GL (about 159m<sup>2</sup>) in the Site are covered by a Short Term Tenancy (STT) No. 2894 for the purpose of "Temporary Warehouse for Storage of Machinery, Spare Parts and Construction Material with Ancillary Office and Parking of Vehicle".
- (c) No permission is given for occupation of the remaining GL (“the remaining GL”)(about 11m<sup>2</sup> subject to verification) included in the Site. Attention is drawn to the fact that the act of occupation of the remaining GL without Government’s prior approval is not allowed.
- (d) The private lots (PLs) which are covered by Short Term Waivers (STWs) are listed below:

<b>Lot Nos.</b>	<b>STW</b>	<b>Purpose</b>
147 in D.D. 125	4117	Temporary Open Storage of Construction Materials, Container with Container Vehicle Park, Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop)

57, 62 & 66 in D.D. 125	4325	Temporary warehouse for storage of machinery, spare parts and construction material with ancillary office and parking of vehicle
61 in D.D. 125	4326	
63 & 65 in D.D. 125	4327	
64 in D.D. 125	4328	
144 in D.D. 125	4329	
3221 S.B in D.D. 129	4330	
3223 in D.D. 129	4331	
3224 & 3226 in D.D. 129	4332	
3229 & 3230 in D.D. 129	4333	
3231 in D.D. 129	4334	
3232 & 3234 in D.D. 129	4335	
60 in D.D. 125; 3220, 3221 S.A, 3222, 3227 & 3228 in D.D. 129	4336	

- (e) The Site is accessible to Ping Ha Road through a local track on both PL and GL. His Office provides no maintenance work to the GL involved and does not guarantee any right-of-way.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the subject planning application, the lot owners will need to apply to his office to permit the structures to be erected or regularise any irregularity on Site. Besides, the applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Furthermore, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions if there is any irregularity on Site. Such applications will be considered by the Lands Department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such applications will be approved. If such applications are 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 Lands Department.

### **Traffic**

#### 10.1.2 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 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 subject 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.

10.1.3 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 Comment of the Director of Environmental Protection (DEP):

- (a) DEP does not support the application as there are sensitive users in vicinity (the closest residential dwelling about 76m away) and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) 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 Open Storage and Temporary Uses' (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/YL-HT/971 will be maintained for the subject development. He has no objection in principle to the development from a drainage point of view.
- (b) Should the application be approved, he would suggest a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.

### **Landscaping**

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 the landscape planning point of view.



- (b) The Site, located to the south of Fung Kong Tsuen Road and to the west of Ping Ha Road, falls within an area zone “G/IC”, “O” and an area shown as ‘Road’ on the HSK&HT OZP. The Site is subject to last approved application No. A/YL-HT/971 which was approved with conditions including landscape conditions. The current application is seeking planning permission for temporary logistics centre use on a slightly larger site (the new boundary extends slightly to the west). which he has no objection from landscape planning point of view.
- (c) With reference to the aerial photo of 2017, it is observed that the Site is hard paved and mainly occupied by two large existing temporary structures. Trees are observed generally along the site boundary. The Site is situated in an area of rural landscape character disturbed by temporary structures and open storage yards. Significant change to the landscape character arising from the application is not envisaged. Hence he has no objection to the application from the landscape planning perspective.
- (d) Having reviewed the Planning Statement, it appears that the Tree Preservation and Landscape Proposal (Figure 4) does not reflect the natural stream along the eastern boundary of the Site. For clarity, a revised Figure 4 reflecting the stream on plan and an indicative section showing the relation between the temporary structure, tree planting, proposed drainage, existing stream and boundary fence should be submitted.
- (e) Should the application be approved, in view of the above, he would recommend imposing approval condition on the submission and implementation of a tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the Board.
- (f) Due to temporary nature of the application, the applicant may wish to consider proposing tree species with a short life span habit as replacement tree in lieu of the *Ficus microcarpa*.
- (g) A minimum soil provision of 1m (W) x 1m (L) x 1.2m (D) for each tree should be provided. The applicant may refer to the “Technical Note on Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Applications for Open Storage and Port Back-up Uses” for typical sections of the boundary landscape treatment.
- (h) Useful information on general tree maintenance is available for reference in 護養樹木的簡易圖解 ([http://www.greening.gov.hk/filemanager/content/pdf/tree\\_care/Pictorial\\_Guide\\_for\\_Tree\\_Maintenance.pdf](http://www.greening.gov.hk/filemanager/content/pdf/tree_care/Pictorial_Guide_for_Tree_Maintenance.pdf)) and the Handbook of Tree Management (Chinese Version: [https://www.greening.gov.hk/tc/tree\\_care/Handbook\\_on\\_Tree\\_Management.html](https://www.greening.gov.hk/tc/tree_care/Handbook_on_Tree_Management.html)) published by the GLTM Section, DEVB.

### **Building Matters**

#### 10.1.7 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, Buildings Department (BD) 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 Houses) are erected on leased land without approval of the BD, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the captioned 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 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 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 Building (Planning) Regulations at the building plan submission stage.

### **Fire Safety**

#### 10.1.8 Comments of Director of Fire Services (D of FS):

- (a) He has no objection to the proposal subject to fire service installations (FSIs) being provided to the satisfaction of D of FS.
- (b) In consideration of the design/nature of the proposal, 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.

### **Long Term Development**

10.1.9 Comments of Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

- (a) He has no objection to the temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) However, the Site falls within the boundary of the Hung Shui Kiu New Development Area (HSK NDA). According to the Planning and Engineering Study (P&E Study) for the HSK NDA, to ensure timely and orderly implementation, the development of HSK NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The concerned lot(s) falls within a site under Stage 3 Works stage. While the detailed implementation programme for the project is still being formulated, based on the P&E Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the HSK NDA expected in 2024.

### **Water Supply**

10.1.10 Comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD):

- (a) He has no comment on the application.
- (b) For provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.

### **Others**

10.1.11 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.

- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the mentioned application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the concerned site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

### **District Officer’s Comments**

10.1.12 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.

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

- (a) Director of Leisure and Cultural Services (DLCS);
- (b) Commissioner of Police (C of P);
- (c) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (d) Chief Engineer/Sewerage Projects, DSD (CE/SP, DSD); and
- (e) Director of Agriculture, Fisheries and Conservation (DAFC).

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

On 19.12.2017, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 9.1.2018, no public comment was received.

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

12.1 The site falls within both Category 1 (25.7%) and 2 (74.3%) areas under the TPB PG-No. 13E. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas;

- 12.2 The Site straddles over “G/IC” and “O” zones and an area shown as ‘Road’ on the OZP. The planning intentions of the “G/IC” and “O” zones are intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory and 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 respectively. Whilst the development is not in line with their planning intentions, the implementation programme for this part of NDA is still being formulated and PM/NTW of CEDD and Director of Leisure and Cultural Services have no objection/no comment to the proposed temporary use for 3 years on 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 implementation of government projects.
- 12.3 The Site is located in an area which is predominantly occupied by logistics centre, open storage, warehouse and vehicle park uses. The applied use is not incompatible with the surrounding land uses (**Plan A-2**).
- 12.4 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 and 2 areas which are considered suitable for open storage and port back-up uses or planning approval could be granted subject to no adverse departmental comments; relevant proposals have been submitted to demonstrate that the proposed use would not generate adverse impacts; and technical concerns of relevant Government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no major adverse comment from concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 76m away), and environmental nuisance is expected (**Plan A-2**). However, there is no environmental complaint pertaining to the Site in the past three years. Furthermore, relevant approval conditions have been recommended in paragraph 13.2 to address the concerns on the possible environmental nuisances 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 UD on Site would subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will 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 Despite the last application No. A/YL-HT/971 was revoked due to non-compliance with the time-limit approval condition on the implementations of FSIs, it is noted that the current application is submitted by a different applicant for different applied use. For the current application, the applicant has submitted a FSIs proposal. In this connection, D of FS has no objection to the application subject to FSIs being provided to his satisfaction. As such, sympathetic consideration may be given to current application.
- 12.7 The Committee has approved 3 previous applications for similar warehouse and parking of vehicle uses at the Site (**Plan A-1b**) and 11 similar logistics uses within the subject “G/IC” and “O” zones on the OZP since the promulgation of TPB PG-No. 13E on 17.10.2008 (**Plan A-1a**).
- 12.8 There is no public comment received on the application during the statutory publication period.

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

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the temporary logistics centre with ancillary office and parking of vehicle 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 **9.2.2021**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 9:00 p.m. to 7:00 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 recycling, repairing, cleaning, dismantling and workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle queuing back to or reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the submission of a condition record of existing drainage facilities within **3** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **9.5.2018**;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of the tree preservation and 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 **9.8.2018**;

- (h) in relation to (g) above, the implementation of the accepted tree preservation and 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 **9.11.2018**;
- (i) 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 **9.8.2018**;
- (j) in relation to (i) 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 **9.11.2018**;
- (k) the provision of 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 **9.8.2018**;
- (l) if any of the above planning conditions (a), (b), (c), (d) 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;
- (m) if any of the above planning conditions (e), (g), (h), (i), (j) or (k) 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; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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:

- (a) the temporary logistics centre with ancillary office and parking of vehicle is not in line with the planning intention of the "G/IC" and "O" zones which are intended primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory and 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 justification to deviate from the planning intention even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied development would not have adverse environmental impact on the surrounding areas.

#### **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 reasons for rejection should be given to the applicant.

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 11.12.2017
<b>Appendix Ia</b>	Supplementary Planning Statement with location and access plan, layout plan, landscape and tree preservation plan, as-built drainage plan
<b>Appendix Ib</b>	FI received on 19.12.2017 providing replacement page for application form together with revised layout plan and landscape and tree preservation plan
<b>Appendix Ic</b>	FI received on 2.2.2018 providing proposal on fire services installations
<b>Appendix II</b>	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
<b>Appendix III</b>	Previous applications covering the Application Site
<b>Appendix IV</b>	Similar applications within the same “G/IC” and “O” zones on the draft Hung Shui Kiu and Ha Tsuen OZP since the promulgation of TPB PG-No. 13E on 17.10.2008
<b>Appendix V</b>	Advisory clauses
<b>Drawing A-1</b>	Location and Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Landscape and Tree Preservation Plan
<b>Drawing A-4</b>	As-built Drainage 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 4c</b>	Site Photos