

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

APPLICATION NO. A/HSK/68

- Applicant** : Wah Tung Thai Logistics Company Limited
- Site** : Lots 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part) and 3314 (Part) in D.D. 129, Ha Tsuen, Yuen Long
- Site Area** : 4,111m² (about)
- 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") (52.1%) and an area shown as 'Road' (47.9%)
- Application** : Renewal of Planning Approval for Temporary "Logistic Centre and Ancillary Tyre Repair Workshop" for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary logistics centre and ancillary tyre repair workshop for a period of 3 years (**Plan A-1**). 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. The Site is currently being used for the applied use with a valid planning permission.
- 1.2 The Site is related to 7 previous applications Nos. A/YL-HT/399, 440, 564, 607, 808, 898 and 958 for similar warehouse or logistics centre uses. The last application No. A/YL-HT/958 for temporary logistics centre and ancillary tyre repair workshop was approved by the Committee with conditions for a period of 3 years on 3.7.2015. All the time-specific approval conditions including the submission of drainage condition record, submission and implementation of run-in/out, tree preservation and landscape and FSIs proposals have been complied with. The permission will expire on 3.7.2018.

1.3 According to the layout plan at **Drawing A-1**, the Site is directly abutting Ping Ha Road with the ingress/egress at the western boundary of the Site. There are 5 temporary structures with a total floor area of 2,701m² including a 7.5m high 2-storey warehouse (2,496m²), a 5m high 2-storey site office (110m²), a 5.5m high single-storey tyre repair workshop (22m²), a 2.7m high sprinkler water tank (59m²), and a 2.7m high fire services pumps (14m²) are proposed on the Site. 2 parking spaces for container vehicle and 2 for lorry are also proposed. The operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays. The as-built drainage plan, run-in/out plan and tree preservation and landscape plan are at **Drawings A-2 to A-5** respectively.

1.4 The major development parameters of the current application are the same as the last approved application (No. A/YL-HT/958) and as follows:

Site Area	4,111m ²
Applied Use	Temporary Logistics Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years
No. of Structures	5
Gross Floor Area	about 2,701m ²
No. of Parking Spaces	2 for Container Vehicle 2 for Lorry
Operation Hours	7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays

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

- (a) Application Form received on 17.4.2018 with a (**Appendix I**) layout plan, as-built drainage plan, run-in/out plan and tree preservation and landscape plan
- (b) A letter from the applicant dated 3.5.2018 in response (**Appendix Ia**) to Transport Department's comment
- (c) A letter from the applicant dated 17.5.2018 to clarify (**Appendix Ib**) the dimensions of the structures and development parameters

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in paragraph 8 of the Application Form at **Appendix I**. They can be summarized as follows:

- (a) The applicant has complied with all the time-specific approval conditions as required under the Application No. A/YL-HT/958.
- (b) The applicant has noted that the Site is involved in the HSKNDA.

- (c) The applicant will follow the operation hour requirements of the previous approval i.e. no night time operation between 11:00 p.m. to 7:00 a.m. and no operation on Sundays and public holidays.
- (d) Since the Site is far away from residential area, the applicant will not cause undue inconvenience or disturbance to the general public. The applicant will continue to comply with the approval conditions as good as the previous application.

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

The applicant is not a “current land owners” and 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 sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

As the Site is still covered by a valid planning approval (A/YL-HT/958), it is not subject to any active enforcement case.

5. **Town Planning Board Guidelines**

- 5.1 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. 34B) are relevant to the application. The relevant assessment criteria are at **Appendix II**.
- 5.2 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 Site falls within Category 1 areas under the Guidelines. Relevant extracts of the Guidelines are attached at **Appendix III**.

6. **Previous Applications**

- 6.1 The Site is related to 7 previous applications Nos. A/YL-HT/399, 440, 564, 607, 808, 898 and 958 for the similar temporary warehouse and logistics centre uses. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 Application Nos. A/YL-HT 399, 440, 564 and 607 for temporary warehouse of various products/materials were approved by the Committee with conditions for a period of 3 years between 2005 and 2009. All of these applications were subsequently revoked due to non-compliance with approval conditions.

- 6.3 Application No. A/YL-HT/808 for temporary logistics centre with ancillary tyre repair workshop was approved by the Committee with conditions for a period of 1 year on 19.4.2013. All the approval conditions had been complied with.
- 6.4 Application No. A/YL-HT/898 for temporary logistics centre with ancillary tyre repair workshop was approved by the Committee with conditions for a period of 3 year on 23.5.2014 but was revoked on 23.11.2014 due to non-compliance with approval conditions.
- 6.5 The last approved application No. A/YL-HT/958 for temporary logistics centre with ancillary tyre repair workshop was approved by the Committee with conditions for a period of 3 year on 3.7.2015. All the time-specific approval conditions had been complied with. The planning permission will expire on 3.7.2018.
- 6.6 Comparing with the last application No. A/YL-HT/958, the current application is submitted by the same applicant for the same use on the same site with same development parameters.

7. **Similar Applications**

- 7.1 There are 11 similar applications (Nos. A/YL-HT/584, 663, 685, 795, 866, 896, 957, 962, 1043, 1072 and A/HSK/40) for temporary open storage/port-backup use within the same "G/IC" zone on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the promulgation of the TPB PG-No. 13E on 17.10.2008. All of these similar applications were approved by the Committee between 2008 and 2018. Amongst these approved applications, 4 of them (Nos. A/YL-HT/685, 797, 896 and 1072) were subsequently revoked due to non-compliance with approval conditions. Details of the application are summarized at **Appendix V** and the location is shown on **Plan A-1a**.
- 7.2 For Members' information, Application No. A/HSK/69 for Renewal of Planning Approval for Temporary "Shop for Construction Machinery Parts with Ancillary Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, Office, Guard Room, and Staff Canteen" for a Period of 3 Years within the same "G/IC" zone will also be considered at this meeting (**Plan A-1**).

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

- 8.1 The Site is:
 - (a) currently being used for the applied use with valid planning permission No. A/YL-HT/958; and
 - (b) directly accessible from Ping Ha Road.
- 8.2 The surrounding areas have the following characteristics:

- (a) predominately open storage yards, logistics centres, vehicle repair workshop, warehouse and store;
- (b) a residential dwelling is found in the vicinity of the Site which is located about 64m to its north;
- (c) there are a warehouse under planning permission No. A/YL-HT/957 to its north and three logistics centres under planning permissions Nos. A/HSK/40, A/YL-HT/1043 and A/YL-HT/962 to its northeast, east and south;
- (d) there are some open storage yards and logistics centres to its immediate north and west across Ping Ha Road which are suspected unauthorized developments (UDs); and
- (e) to its west across Ping Ha Road, there is a vehicle repair workshop which is an “existing use” tolerated under the Town Planning Ordinance

9. **Planning Intention**

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. According to the Explanatory Statement of the OZP, the subject G/IC zone is reserved for school development for student’s convenience.

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 Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) The private land (PL) of the following lots are covered by Short Term Waiver (STW) as below table:

STW No.	Lot No. (in D.D. 129)	Purposes
3904	3306, 3307 RP, 3310 S.A. RP,	Temporary Logistic

	3310 S.B, 3311 RP, 3212 S.A 3312 S.A & 3312 S.B	Centre and Ancillary Tyre Repair Workshop
3905	3313	
4588	3305 RP	Temporary Logistic Centre and Warehouse (Storage of Paper)

- (c) The Site is accessible to Ping Ha Road through Government land (GL). His office provides no maintenance work for the GL involved and do 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) Should the application be approved, the STW holders will need to apply to his office for modification of the STW conditions if there is any irregularity on Site. Besides, the lot owner of the lots without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularity on Site. Such application will be considered by the LandsD acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application 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.

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 in principle to 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 the public roads.

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 Transport Department (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 is sensitive user in vicinity of the Site (the closest residential dwelling about 64m away) and along the access road (Ping Ha Road) and environmental nuisance is expected.
- (b) There is no substantiated 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 the Environmental Aspects of Temporary Uses and Open Storage Sites” (the COP) issued by the DEP to minimize potential environmental nuisance to the surrounding area.

Drainage

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

- (a) He has no objection in principle to the proposed application from a drainage point of view.
- (b) According to the applicant’s submission, the existing drainage facilities which was implemented under an approved application no. A/YL-HT/958 will be maintained for the subject development.
- (c) Should the application be approved, he would suggest that 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 his satisfaction.

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 structures existing at the site and Buildings Department (BD) is not in a position to offer comments on their suitability for the use related to the application.
- (b) If the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted

Houses), they are unauthorized under the BO and should not be designated for any approved use under the application.

- (c) Before any new building works (including containers/open shed as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (d) For UBW erected on leased land, enforcement action may be taken by the BA 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 application site under the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (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 him for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Long Term Development

10.1.8 Comments of Project Manager (New Territories West), Civil Engineering and Development Department (PM/NTW, 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) 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 lot(s) concerned 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.

District Officer's Comments

10.1.9 Comment of District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD)

Her 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) Commissioner of Police (C of P);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Engineer/Sewerage Projects, Drainage Services Department (CE/SP, DSD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (e) Director of Agriculture, Fisheries and Conservation (DAFC).

11. Public Comments Received During Statutory Publication Period

On 24.4.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period which ended on 15.5.2018, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The Site falls within Category 1 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.

- 12.2 The Site falls within “G/IC” zone and an area shown as “Road”. “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. Whilst the applied development is not in line with the planning intention of the “G/IC” zone, the implementation programme for this part of NDA is still being formulated, and PM/NTW of CEDD have no objection to the applied 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 applied uses are not incompatible with the surrounding uses which are predominately occupied for open storage yards, warehouses and logistics centres.
- 12.4 The current application is a renewal application of the last approved application (No. A/YL-HT/958) for three more years. Other than the change in OZP zoning, there has been no other major change in planning circumstances of the Site and the surrounding areas since the previous temporary approval. As explained above, the approval of the application on a temporary basis would not jeopardize the implementation of the zoned uses. Furthermore, there would be no adverse planning implications arising from the renewal of the temporary planning approval and that the applicant has complied with all the approval conditions under previous approval. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34B.
- 12.5 The proposed development is generally in line with the TPB PG-No. 13E in that the Site falls within Category 1 area which are considered suitable for open storage and port back-up uses; 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.
- 12.6 There is no adverse comment on the application from concerned Government departments, except DEP. DEP does not support the application as there are

sensitive uses in vicinity (with the nearest residential dwelling is about 64m to the north of the Site (**Plan A-2**)), and environmental nuisance is expected. However, there has been no substantial environmental complaint concerning the Site received in the past 3 years. To address the concerns on environmental aspect and the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized 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 in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times.

12.7 The Committee has approved 7 previous applications for similar warehouse and logistics centre uses at the Site and 11 similar applications for warehouse and logistics centre uses within the same “G/IC” zone.

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 and ancillary tyre repair workshop 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 from **4.7.2018 until 3.7.2021**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, unpacking, re-packing, vehicle repair and workshop activity, other than tyre repair, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to public roads or reverse onto/from the public roads at all times during the planning approval period;
- (e) the existing trees and landscape planting on the Site shall be maintained at all time during the planning approval period;

- (f) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of existing drainage facilities within **3** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.10.2018**;
- (i) the submission of a fire service installations proposal within **6** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.1.2019**;
- (j) in relation to (i), the implementation of the fire service installations proposal within **9** months from the date of commencement of the renewal planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.4.2019**;
- (k) if any of the above planning conditions (a), (b), (c) (d), (e), (f) or (g) 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;
- (l) if any of the above planning conditions (h), (i) or (j) 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
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

[Conditions (a), (b), (c), (d), (g), (h), (i), (j), (k), (l) and (m) are the same as the previous Application No. A/YL-HT/958 conditions (e) and (f) have been revised to accord with the latest departmental comments]

Advisory clauses

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

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

the continual occupation of the Site for the development is not in line with the planning intention of the "G/IC" zone, which 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. There is no

strong planning justification in the submission 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 reasons for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 17.4.2018 with a layout plan, as-built drainage plan, run-in/out plan and tree preservation and landscape plan
Appendix Ia	A letter from the applicant dated 3.5.2018 in response to Transport Department's comment
Appendix Ib	A letter from the applicant dated 17.5.2018 to clarify the dimensions of the structures and development parameters
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. 34B)
Appendix III	Relevant extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E)
Appendix IV	Previous s.16 Applications covering the Site
Appendix V	Similar s.16 Applications within the subject "Government, Institution or Community" Zone on the draft Hung Shui Kiu and Ha Tsuen Outline Zoning Plan since the Promulgation of TPB PG-No. 13E on 17.10.2008
Appendix VI	Advisory Clauses
Drawing A-1	Layout Plan
Drawing A-2	Existing Drainage Plan
Drawing A-3	Existing Run-in/out Plan
Drawing A-4	Existing Landscape Plan
Drawing A-5	Existing Tree Location Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos