

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/295

- Applicant** : Luen Bong Property Development Limited represented by Metro Planning and Development Company Limited
- Site** : Various Lots in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 15,000 m² (includes GL of about 400 m² or 2.67%)
- 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** : “Residential (Group A) 2” (“R(A)2”) (67%);
[Restricted to a maximum plot ratio of 6, maximum building height of 140mPD]
- “Residential (Group A) 3” (“R(A)3”) (25.3%); and
[Restricted to a maximum plot ratio of 5.5, maximum building height of 140mPD]
- area shown as ‘Road’ (7.7%)
- Application** : Temporary Logistics Centre with Storage of Recyclable Materials (Plastics, Metal and Paper) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning approval to use the application site (the Site) for temporary logistics centre with storage of recyclable materials (plastics, metal and paper) for a period of 3 years (**Plan A-1a**). The Site falls within areas zoned “R(A)2” (67%) and “R(A)3” (25.3%) and shown as ‘Road’ (7.7%) on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use not exceeding a period of three years within the above zones and ‘Road’ 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 without valid planning permission.
- 1.2 The Site is related to seven previous applications for various temporary open storage and logistic centre uses (**Plan A-1b**). The last application No. A/HSK/99 for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on

19.10.2018. The planning approval was subsequently revoked on 19.1.2021 due to non-compliance with time-limited approval conditions regarding the submission and implementation of the fire service installations (FSIs) proposal. Compared with the last application, the current application is submitted by the same applicant for the same use at the same site but with the addition of a structure for office use.

- 1.3 The Site is accessible from Ping Ha Road via local track, with two ingress/egress points located at the eastern and south-eastern sides of the Site (**Drawing A-1 and Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-2**, nine structures with a total floor area of about 10,217 m² including three 11m high single-storey structures for logistic centre use and storage of recyclable materials and six single to two-storey (3.5m to 8m high) structures for ancillary site offices, toilet, water tank and pump room uses are proposed. 2 loading/unloading bays for container trailers and 4 loading/unloading bays for medium/heavy goods vehicles will be provided. According to the applicant, the proposed operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. No workshop activity would be allowed on the Site. The vehicular access plan, proposed layout plan, proposed landscape and tree preservation plan, as-built drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/99) (a)	Current Application (A/HSK/295) (b)	Difference (b) - (a)
Applied Use	Temporary logistics centre with storage of recyclable materials (plastics, metal and paper) (3 years)		Same
Site Area	15,000 m ² (includes GL of about 400 m ²)		Same
No. of Structures	8	9	+1 (an additional structure for site office)
Total Floor Area	10,045 m ²	10,217 m ²	+172 m ² (+1.71%)
No. of Loading/Unloading Bays	2 for container trailer & 4 for medium/heavy goods vehicle		Same
Operation Hours	8:00 a.m. to 8:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays		Same

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with annex and plans received on **(Appendix I)** 5.2.2021
 - (b) Supplementary Information (SI) received on 9.2.2021 **(Appendix Ia)** clarifying the development parameters

- (c) SI received on 10.2.2021 providing the proposed landscape (**Appendix Ib**) and tree preservation plan
- (d) Further Information (FI) received on 11.3.2021 providing (**Appendix Ic**) the FSIs proposal
[exempted from publication and recounting requirements]

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 covered by planning permission No. A/HSK/99 and the subject of 6 previous planning permissions. The applied use is the same as those of the approved applications since 2009. All approval conditions attached in the last planning application have been complied with, except conditions on the submission and implementation of FSIs proposal.
- (b) The current application conforms to Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F) as it is situated within the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/NT NDA) and was covered by previous planning permissions.
- (c) Open storage and port back-up uses in the vicinity were granted with planning permissions, and that the planning circumstance pertaining to the Site is similar to those of the recently approved applications. Similar preferential treatment should be given to the current application.
- (d) The proposed development is not incompatible with the surrounding environment and of temporary in nature (3 years), which would not jeopardise the planning intention of the current zonings in the long term.
- (e) There is a shortfall of land for port back-up purpose in Ha Tsuen.
- (f) The proposed development will have insignificant traffic, environmental, noise and drainage impacts as it is housed within an enclosed structure and surface U-channel has been provided at the Site. No workshop activity is proposed at the Site.
- (g) The applicant has submitted a FSIs proposal for the last planning application, but it was considered not acceptable. The applicant will liaise with Fire Services Department to get the acceptance and implement the accepted proposal accordingly.

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 publishing notices in local newspapers. 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

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is related to seven previous applications (No. A/YL-HT/645, 720, 814, 891 and 997, A/HSK/1 and 99) for various temporary open storage and logistic centre uses covering different extent of areas. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 All previous applications were approved with conditions by the Committee between 2009 and 2018 on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines No. 13 and no major adverse comment from concerned Government departments. However, three planning permissions of these applications, namely No. A/YL-HT/997, A/HSK/1 and 99, were subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.3 The last application No. A/HSK/99 for the same applied use was approved with conditions by the Committee on 19.10.2018 for a period of 3 years, but the approval was subsequently revoked on 19.1.2021, due to non-compliance with time-specific approval conditions regarding the submission and implementation of FSIs proposal. Compared with the last application, the current application is submitted by the same applicant for the same use at the same site but with the addition of a structure for office use.

7. Similar Applications

There are six applications (No. A/HSK/47, 85, 86, 135, 219 and 264) within the same “R(A)2” and “R(A)3” zones on the OZP for temporary logistics centre and open storage uses between 2018 and 2020. All these applications were approved by the Committee on similar considerations as mentioned in paragraph 6.2 above. However, two planning permissions were subsequently revoked due to non-compliance with time-specific approval conditions. Details of the applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

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

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and northeast are a warehouse and three open storage yards, with two of them under valid planning permissions; while to its northwest is a logistics centre;
- (b) to its immediate east are two logistics centres; to its further east and southeast are open storage yards, warehouse, a storage area and two vehicle repairing workshops; and
- (c) to its immediate south and further south are several open storage yards with one of them under valid planning permission, a warehouse under valid planning permission and some residential dwellings (with the nearest one adjoining the Site); to its southwest is another open storage yard of containers.

9. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest two floors of a building excluding basements, or in a free-standing purpose-designed non-domestic building up to five storeys.

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 (OSALs) and GL. The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) The private lots which are covered by Short Term Waivers (STWs) are listed in **Appendix VI**.
- (c) The GL (about 400m²) in the Site is covered by a Short Term Tenancy (STT) No. 2846 for the purposes of “Temporary Open Storage of Containers and Logistics Centre with Ancillary Open Storage of Recyclable Materials”.
- (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. 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 viewpoint.
- (b) Sufficient manoeuvring space shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under 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/drainage.
- (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 because there are sensitive receivers in the vicinity, with the nearest one adjoining the Site at its south (**Plan A-2**). Environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past three 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" to minimize any potential environmental nuisance.

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 the previous application No. A/HSK/99 will be maintained. He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest to stipulate a condition 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 at **Appendix VI.**

Landscape

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

- (a) The Site is hard paved and mainly occupied by a large temporary structure. Existing trees are generally found within the site along the northern, western and southern boundaries. The applied use is already in operation. The Site is situated in an area of rural landscape character predominated by open storage yards and temporary structures. The applied use is not incompatible with the surrounding environment. Hence he has no objection to the application from landscape planning perspective.
- (b) Should the application be approved, in view that the Site is not facing any prominent public frontage, it is considered adequate to impose an approval condition to maintain all existing trees within the Site in good condition for the duration of the planning approval period.
- (c) The applicant should be reminded of the detailed comments in **Appendix VI.**

Building Matters

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

- (a) Existing structures are found on the Site. The applicant's attention shall be drawn if the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of Building Authority, they are unauthorized building works (UBW) under Buildings Ordinance.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI.**

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to 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 his department for approval.
- (c) The applicant should be reminded of the detailed comments at **Appendix VI**.

Long-Term Development

10.1.9 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 for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of HSK/HT NDA. 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 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 Remaining Phase development will commence in 2030.

District Officer's Comment

10.1.10 Comments of 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 comments from the locals on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD); and
- (b) Director of Agriculture, Fisheries and Conservation (DAFC).

11. Public Comments Received During Statutory Publication Period

On 19.2.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments from individuals were received. The commenters raised concerns/objected to the application on the reasons that the proposed development would cause traffic congestion, potential fire hazard and environmental degradation, thus affecting the safety and living quality to

nearby residents; and that approval of the current application would hinder the implementation of the planned development (**Appendices V-1 to 4**).

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre with storage of recyclable materials (plastics, metal and paper) for a period of 3 years at the Site within areas zoned “R(A)2” (67%) and “R(A)3” (25.3%) and shown as ‘Road’ (7.7%) on the OZP. The planning intention of the “R(A)” zone is primarily for high-density residential developments. Whilst the applied use is not in line with the planning intention of the “R(A)” zone, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD has 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 area. 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 applied use is not incompatible with the surrounding areas, which are predominately occupied by open storage yards, logistics centres and warehouses (**Plan A-2**).

12.3 The Site falls within the HSK/HT NDA. For applications in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

12.4 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals have been given. The applied use of the current application is same as the last approved application No. A/HSK/99. Although the last planning approval was subsequently revoked on 19.1.2021 due to non-compliance with time-specific approval conditions regarding the submission and implementation of the FSIs proposal, the applicant has submitted relevant FSIs proposal in the current application (**Drawing A-5**) and D of FS has no adverse comment on the application. As such, sympathetic consideration may be given to the application. However, should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will

be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.

- 12.5 There is no major adverse comment from concerned Government departments, except DEP who does not support the application because there are sensitive receivers in the vicinity of the Site (the nearest one being adjoining the Site at the south), and environmental nuisance is expected (**Plan A-2**). However, there was no environmental complaint pertaining to the Site in the past three years. To address the concerns on the possible environmental nuisances or technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised development on the Site would be 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' to minimize the possible environmental impacts on the surrounding areas.
- 12.6 There are seven previously approved planning applications for temporary open storage and/or logistics centre uses at the Site (**Plan A-1b** and **Appendix III**) and six similar approved applications within the same "R(A)2" and "R(A)3" zones on the OZP (**Plan A-1a** and **Appendix IV**). Approval of the current application is in line with the Committee's previous decisions.
- 12.7 Four public comments were received during statutory publication period as summarized in paragraph 11. 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 temporary logistics centre with storage of recyclable materials (plastics, metal and paper) 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 **26.3.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference

Approval conditions

- (a) no operation from 8:00 p.m. to 8:00 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 workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **26.6.2021**;
- (h) the submission of a fire service installations proposal within **3** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.6.2021**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **26.9.2021**;
- (j) 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
- (k) if any of the above planning conditions (g), (h) or (i) 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 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 applied use is not in line with the planning intention of the "R(A)" zone which is primarily for high-density residential developments. 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 5.2.2021
Appendix Ia	SI received on 9.2.2021
Appendix Ib	SI received on 10.2.2021
Appendix Ic	FI received on 11.3.2021
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous Applications
Appendix IV	Similar Applications Within the Same “R(A)2” & “R(A)3” Zones
Appendices V-1 to 4	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	Fire Service Installations Proposal
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 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2021**