

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

APPLICATION NO. A/HSK/307

- 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** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Government, Institution or Community” (“G/IC”) (about 52.1%); and
[restricted to maximum building height of 8 storeys]

an area shown as ‘Road’ (about 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 use the application site (the Site) for temporary logistics centre and ancillary tyre repair workshop for a further period of 3 years (**Plan A-1a**). The Site straddles over “G/IC” zone (52.1%) and an area shown as ‘Road’ (47.9%) on the approved HSK and HT OZP. According to the covering Notes of the OZPs, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZPs. The Site is currently used for the applied use with valid planning permission (**Plans A-4a to 4c**).
- 1.2 The Site is related to 8 previous applications for various temporary open storage use (**Plan A-1b**). The last application No. A/HSK/68 for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 15.6.2018 for a period of 3 years with validity till 3.7.2021. All time-limited approval conditions have been complied with.

- 1.3 The Site is directly abutting Ping Ha Road with the ingress/egress at the western boundary of the Site (**Drawing A-1 and Plans A-2 to A-3**). As shown on the layout plan at **Drawing A-2**, 5 single to two-storey (ranging from 2.7 to 7.5m high) temporary structures with a total floor area of 2,701m² for warehouse, site office, tyre repair workshop, sprinkler water tank and fire services pumps are proposed on the Site. 2 parking spaces for container vehicle and 2 for heavy goods vehicles 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, proposed landscape and tree preservation plans, and fire service installations (FSIs) plan are at **Drawings A-3 to A-5**.
- 1.4 Compared with the last planning application (No. A/HSK/68), the current application is submitted by the same applicant for the same use at the same site, and the development parameters and site layout remain unchanged.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with drawings received on 26.4.2021 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 30.4.2021 **(Appendix Ia)** confirming the operation hours, no change in layout and providing the FSIs plan and related certificate
 - (c) Supplementary Information (SI) received on 30.4.2021 **(Appendix Ib)** providing updated layout plan
 - (d) Further Information (FI) received on 9.6.2021 confirming **(Appendix Ic)** no change in development parameters and providing updated 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 the subject of a planning permission No. A/HSK/68 for the same use with the same layout and development parameters approved by the Board which is valid until 3.7.2021.
- (b) All the approval conditions including drainage facilities, run-in/out, landscape and tree preservation, FSIs and provision of fencing had been complied with.
- (c) The Site is far away from residential area and therefore the subject development will not cause disturbance to the general public. The applicant will continue to keep the site conditions as good as the previously approved application No. A/HSK/68.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 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 Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is related to 8 previous applications (No. A/YL-HT/399, 440, 564, 607, 808, 898 and 958 and A/HSK/68) for 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 All these applications were approved with conditions by the Committee for a period of 1 or 3 years from 2005 to 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 TPB PG-No. 13 and no major adverse comments from concerned Government departments. However, the planning permissions for five earlier applications were subsequently revoked due to non-compliance with the time-specific approval conditions.
- 6.3 The last application No. A/HSK/68 submitted by the same applicant for the same applied use as the current application was approved with conditions by the Committee for a period of 3 years on 15.6.2018 with validity up to 3.7.2021. All time-limited approval conditions have been complied with. The layout and development parameters of the current application are the same as the last planning approval. The current application is a renewal application.

7. Similar Applications

There are five similar applications (No. A/HSK/40, 69, 94, 173 and 227) within the same “G/IC” zone on the HSK and HT OZP for various temporary logistics centre and warehouse/vehicle park/workshop uses which were all approved with conditions by the Committee from 2018 to 2020 on similar considerations as mentioned in paragraph 6.2 above. However, the planning permissions for three applications were subsequently revoked due to non-compliance with the time-specific approval conditions. Details of these applications are summarized at **Appendix V** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently used for the applied use with valid planning permission; and
- (b) directly accessible to Ping Ha Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is an open storage yard of crane trucks and workshop while to its further north is an open storage yard of construction materials, a logistics centre and a residential dwelling (about 64m away) (**Plan A-2**);
- (b) to its east and northeast are two logistics centres under valid planning permissions;
- (c) to its southeast is a logistics centre; and
- (d) to its west across Ping Ha Road are parking of vehicles, some open storage yards, workshop and storage area of construction materials while to its southwest is a warehouse and logistics centre under valid planning permission.

9. Planning Intention

The planning intention of the “G/IC” zone is 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.

10. Comments from Relevant Government Departments

10.1. The following Government departments have been consulted and their views on the application received are summarized as follows:

Land Administration

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

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Details of the private lots covered by Short Term Waivers (STWs) are in **Appendix VII**.
- (c) Should the application be approved, the STW holders will need to immediately apply to his office for modification of the STW conditions where appropriate. 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 premium or fee, as may be imposed by 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 comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.

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 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there is sensitive user in vicinity of the Site (the closest residential dwelling is about 64m 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 Temporary Uses and Open Storage Sites'.

Drainage

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

- (a) Since this is a renewal application for the previously approved application No. A/HSK/68, the existing drainage facilities are supposed to be maintained for the subject development. He has no objection in principle to the application from a drainage point of view.

- (b) Should the application be approved, a condition should be stipulated in the approval requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (c) The applicant should be reminded of the detailed comments in **Appendix VII**.

Building Matters

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

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **Appendix VII**.

Fire Safety

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

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

Long-Term Development

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

- (a) He has no objection to the application for temporary use, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of HSK/HT 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 a site 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 the Remaining Phase development will commence in 2030.

District Officer's Comments

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

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

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

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

11. Public Comment Received During Statutory Publication Period

On 4.5.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. The commenters raised concerns/objected to the application on reasons that the development would pose fire and safety hazards to the villagers and cause environmental degradation, and opined that community facilities should be developed in tandem with population intake (**Appendices VI-1 to 2**).

12. Planning Considerations and Assessment

12.1 The application is for renewal of planning approval for temporary logistics centre and ancillary tyre repair workshop for a period of 3 years at a site straddling over “G/IC” zone (about 52.1%) and an area shown as ‘Road’ (about 47.9%) on the OZP. The planning intention of the “G/IC” zone is 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. Whilst the applied use is not in line with the planning intention of the “G/IC” zone and the planned road works, 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 Site. Nevertheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.

12.2 The Site is located in an area predominantly occupied by open storage yards and logistics centres. The applied use is generally not incompatible with the surrounding land uses (**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. Noting that all approval conditions of the last application were complied with and the applicant has also submitted FSIs plan and related certificate for this renewal application (**Appendices Ia and Ic**). As such, sympathetic consideration may be given to the application.
- 12.5 The current application is a renewal application of the last approved application (No. A/HSK/68) for three years. There has been no major change in planning circumstances of the Site and the surrounding areas since the previous approval, and the approval of the application on a temporary basis would not jeopardize the implementation of the zoned uses. Compared with the last approved application No. A/HSK/68, the current application is for the same use at the same site for the same approval period, and the development parameters and site layout remain unchanged, and all the approval conditions under the last approved application have been complied with. In view of the above, the renewal application is considered generally in line with the TPB PG-No. 34C.
- 12.6 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 (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 the possible environmental nuisances or the technical requirements of the concerned Government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorized development on the Site would be subject to enforcement action by the Planning Authority. Should the application be approved, the applicant will also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the surrounding areas.
- 12.7 The Committee has approved 8 previous applications for the various warehouse, logistics centre and/or workshop uses at the Site (**Plan A-1b**) and 5 similar applications within the same "G/IC" zone (**Plan A-1a**). Approval of the current application is in line with the Committee's previous decisions.
- 12.8 There are two public comments received on the application during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in the above paragraphs are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11, the Planning Department considers that the temporary logistics centre and ancillary tyre repair workshop could be tolerated for a further period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years and be renewed from **4.7.2021 to 3.7.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 11:00 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 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 or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing trees and landscape planting on the Site shall be maintained at all times 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 shall be maintained at all times during the planning approval period;
- (h) the existing fire services installations shall be maintained in efficient working order at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities on Site 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 **4.10.2021**;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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 the above planning condition (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.

*[Conditions (a), (b), (c), (d), (e), (f), (g) and (i) are all the same as the previous Application No. A/HSK/68 while the previous conditions on the submission and implementation of FSIs are replaced by condition (h), as the FSIs and fire certificates have been accepted by D of FS (**Appendices Ia and Ic**)]*

Advisory clauses

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

- 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 “G/IC” zone, which is 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 to deviate 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

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| Appendix I | Application Form received on 26.4.2021 with drawings |
| Appendix Ia | SI received on 30.4.2021 |
| Appendix Ib | SI received on 30.4.2021 |
| Appendix Ic | FI received on 9.6.2021 |
| 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 | Relevant extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) |
| Appendix IV | Previous Applications Covering the Site |
| Appendix V | Similar applications within the same “G/IC” zone on the approved Hung Shui Kiu and Ha Tsuen OZP |
| Appendices VI-1 to 2 | Public Comments |
| Appendix VII | Advisory Clauses |
| Drawing A-1 | Proposed 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 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 |