

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/314

- Applicant** : Triotech Limited represented by Wah Tung Development Co. Ltd.
- Site** : Lots 95 (Part), 96 (Part), 108 S.A (Part), 119 (Part), 154 (Part), 155, 156 (Part), 157 RP (Part) and 158 RP (Part) in D.D. 124, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,360 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Cargo Handling and Forwarding Facility (Logistics Centre) 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 cargo handling and forwarding facility (logistics centre) for a period of 3 years (**Plan A-1a**). The Site falls entirely within an area zoned “O” on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is related to 7 previous applications for various temporary open storage and port back-up uses (**Plan A-1b**). The last application No. A/HSK/74 for the same applied use was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 15.6.2018. However, the planning permission was subsequently revoked on 15.11.2020 due to non-compliance with the time-limited approval condition on the implementation of fire services installation (FSIs) proposal.
- 1.3 The Site is accessible from Tin Ha Road via local track (**Plan A-2**). As shown on the layout plan at **Drawing A-2**, the ingress/egress is located at the southern side of the Site. 7 temporary structures/converted containers, with a total floor area of

about 1907.5m² and building height ranging from 2.6m to 11m (1 to 2-storey), including logistic warehouse (about 1,650m²), site office (about 144m²), staff resting room cum storeroom (about 18.5m²), guardroom, toilet and meter room, water tank and pump room and relevant FSIs facilities are to be erected. 2 parking spaces for private cars are also proposed. A vehicle waiting area for loading and unloading purpose by heavy goods vehicles (HGVs) and container vehicles is provided. The vehicular access plan, layout plan, landscape and tree preservation plan, drainage plan and FSIs plan submitted by the applicant are at **Drawings A-1 to A-5b** respectively.

- 1.4 A comparison of the major development parameters of the current application and the last approved application (No. A/HSK/74) is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/74) (a)	Current Application (A/HSK/314) (b)	Difference (b) - (a)
Applied Use	Temporary Cargo Handling and Forwarding Facility (Logistics Centre) (3 years)		Same
Site Area	3,291 m ²	3,360 m ²	+69 m ² (+2.1%)
No. of Structures	4	7	+3 (additional structures for guardroom and FSIs)
Total Floor Area	1,845 m ²	1,907.5 m ²	+62.5 m ² (+3.39%)
No. of Parking Spaces	2 for private car		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 received on 27.5.2021 **(Appendix I)**
- (b) Planning Statement with plans **(Appendix Ia)**
- (c) Further Information (FI) received on 8.7.2021 enclosing a FSIs proposal **(Appendix Ib)**
[exempted from publication and recounting requirements]
- (d) FI received on 15.7.2021 providing background information on types of vehicles using the loading/unloading area **(Appendix Ic)**
[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 Planning Statement and FI at **Appendices Ia and Ic**. They can be summarized as

follows:

- (a) The proposed development is temporary in nature. It will not jeopardize the long term planning intention of the current zoning. The Site was used and tolerated for port back-up and open storage uses and subject to 7 previous applications since 1999.
- (b) The Site is situated within an area primarily occupied by port back-up uses, and planning permissions were granted to nearby developments. The applied use is compatible with the surrounding land uses and previous permission was given to the Site.
- (c) The applied use can address the shortfall of land for port back-up and open storage purposes.
- (d) HGVs and container vehicles will be used for loading/unloading purpose.
- (e) Environmental, drainage and landscape improvement measures have been undertaken under the previous planning permissions.
- (f) The proposed landscaping, drainage and environmental mitigation measures will bring beneficial effects to the surrounding environment.
- (g) Local views have been sought and no objection has been received.

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

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

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 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**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is related to 7 previous applications (No. A/YL-HT/101, 190, 352, 558, 742, 945 and A/HSK/74) for various temporary open storage and port back-up uses. 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 for a period of 3 years between 1999 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 TPB PG-No. 13; and no major adverse comment from concerned Government departments. However, three planning permissions of these applications, namely No. A/YL-HT/101, 742 and A/HSK/74, were subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.3 The last application No. A/HSK/74 for the same applied use was approved with conditions for a period of 3 years by the Committee on 15.6.2018. However, the planning permission was subsequently revoked on 15.11.2020, due to non-compliance with a time-limited approval condition on the implementation of FSIs proposal.
- 6.4 Compared with the last application, the current application is submitted by the same applicant for the same use at a slightly larger site with the addition of 3 structures for guardroom and FSIs facilities.

7. Similar Application

There is one similar application No. A/HSK/211 within the same “O” zone on the OZP for temporary open storage of containers, container repair workshop and logistics yard use, which was approved by the Committee on 26.5.2020 on similar considerations as mentioned in paragraph 6.2 above. Details of the application are summarized at **Appendix IV** and its locations is shown on **Plan A-1a**.

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

- 8.1 The Site is:
- (a) currently used for the applied use without valid planning permission; and
 - (b) accessible from Tin Ha Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its north and further north are open storage yards of containers and construction machinery with one of which under valid planning permission;
 - (b) to its east is an open storage yard of containers and a nullah;
 - (c) to its south across the nullah is an open storage yard of construction material; and
 - (d) to its immediate west are an open storage yard of construction machinery and a vehicle repair workshop; while to its further west and southwest across Tin Ha Road are a logistics centre, a storage yard and some residential dwellings of Kau Lee Uk Tsuen (the closet being about 92 m away)(**Plan A-2**).

9. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air

public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) According to his record, there is no lease modification/land exchange application or building plan submission in relation to development at the Site being approved/under processing.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

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 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 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 Tin Ha Road.

Environment

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application because there are sensitive receivers in the vicinity (the nearest residential dwelling being about 92 m away) (**Plan A-2**) and 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 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/74 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**.

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 for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

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 his department for approval.
- (c) The applicant should be reminded of the detailed comments on the submitted FI at **Appendix VI**.

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 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 Site under Second 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 Second Phase development will commence in 2024. In this regard and subject to the necessary approvals as required, the Government plans to acquire these relevant sites by end 2023 progressively for the development of HSK/NT NDA.

Others

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

- (a) The Site is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) Since the application involves private lot only, he has no in-principle objection to the application.

District Officer's Comment

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

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

10.2 The Chief Engineer/Construction, Water Supplies Department (CE/Construction, WSD) has no comment on the application.

11. Public Comments Received During Statutory Publication Period

On 4.6.2021, 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 objected to the application on the reasons that the proposed development would result in traffic congestion, environmental degradation and pose potential fire hazard, thus affecting the villagers' safety and quality of life; and opined that community facilities, including open spaces, should be developed in tandem with housing development (**Appendices V-1 to 2**).

12. Planning Considerations and Assessments

12.1 The application is for temporary cargo handling and forwarding facility (logistics centre) for a period of 3 years at the Site within an area zoned “O” on the OZP. The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. Whilst the applied use is not in line with the planning intention of the “O” zone, the implementation programme for this part of NDA is still being formulated, and that PM/W of CEDD and DLCS have no objection to the proposed 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 Site is situated in an area predominately occupied by open storage yards and village houses. 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 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. Further, the applied use of the current application is same as the last approved application No. A/HSK/74. Although the last planning approval was subsequently revoked on 15.11.2020 due to non-compliance with time-limited approval condition on the implementation of FSIs proposal, the applicant has further submitted a FSIs proposal in the current application (**Drawings A-5a and A-5b**) 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 objection to or adverse comment on the application from concerned Government departments, except DEP. DEP does not support the application because there are sensitive receivers in the vicinity (the nearest residential dwelling being about 92 m away), and environmental nuisance is expected (**Plan A-2**). However, there has not been any environmental complaint pertaining to the Site in the past three years. Furthermore, relevant approval conditions are also recommended in paragraph 13.2 to address the possible environmental nuisance 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 any unauthorized 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' in order to minimize the possible environmental impacts on the surrounding areas.
- 12.6 There were 7 previously approved planning applications for various open storage and port back-up uses at the Site (**Plan A-1b** and **Appendix III**) and 1 similar approved application within the same "O" zone 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 There were two public comments raising objection to the application received during the statutory publication period as summarized 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 cargo handling and forwarding facility (logistics centre) could be tolerated for a 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 until **23.7.2024**. 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 Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from the public road at any time during the planning approval period;
- (d) the existing trees on Site shall be maintained at all times during the planning approval period
- (e) the existing drainage facilities on Site shall be maintained at all times during the planning approval period;

- (f) the submission of a condition record of the existing drainage facilities on Site 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 **23.10.2021**;
- (g) 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 **23.10.2021**;
- (h) in relation to (g) 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 **23.1.2022**;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) 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
- (j) if any of the above planning conditions (f), (g) or (h) 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 reasons for rejection are suggested for Members' reference:
- (a) the applied use is not in line with the planning intention of the "O" zone, which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. There is no strong planning justification in the submission to deviate from the planning intention, even on a temporary basis; and
 - (b) the applicant fails to demonstrate that the applied use would not have adverse environmental impact on the surroundings 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 reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I

Application Form received on 27.5.2021

Appendix Ia	Planning Statement with plans
Appendix Ib	FI received on 8.7.2021
Appendix Ic	FI received on 15.7.2021
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 Application
Appendices V-1 to 2	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	Proposed Drainage Plan
Drawings A-5a and 5b	Proposed FSIs plans
Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2021**