

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/316

- Applicant** : Wah Tung Development Company Limited
- Site** : Various Lots in D.D. 125 and D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, N.T.
- Site Area** : about 23,180m² (including GL of about 935m² or 4%)
- 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)3” (“R(A)3”) (44%);
[Restricted to maximum plot ratio of 5.5, maximum building height of 140mPD]
- “Government, Institution or Community” (“G/IC”)(42%); and
[Restricted to maximum building height of 8 storeys]
- an area shown as ‘Road’ (14%)
- Application** : Temporary Logistics Centre and Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary logistics centre and warehouse for a period of 3 years (**Plan A-1a**). The Site straddles over the “R(A)3” (44%) and “G/IC” (42%) zones and an area shown as ‘Road’ (14%) on the approved HSK and HT OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied uses without valid planning permission. (**Plans A1-b, A-4a to 4c**).
- 1.2 The Site was involved in 4 previous applications for temporary warehouse and/or logistics centre (**Plan A-1b**). The last application (No. A/HSK/94) for temporary logistics centre and warehouse for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 21.9.2018 respectively. The permission was subsequently revoked on 21.2.2021 due to non-

compliance with a time-limited approval condition.

- 1.3 The Site is accessible from Ping Ha Road with an ingress/egress point at the northwestern part of the Site (**Drawing A-2 and Plan A-2**). As shown on the layout plan at **Drawing A-2**, five temporary structures (about 8.5m to 12m high) for warehouses/logistics centres occupy the northeastern, eastern, southern and middle western portions of the Site. The remaining area is for passage and manoeuvring of vehicles. 17 other temporary structures, ranging from 1-2 storeys (2.1m to 6.4m high) for various ancillary facilities, including site offices, meter rooms, guard rooms and pump rooms are also proposed. 20 unloading and unloading bays for container vehicles and 3 private car parking spaces are proposed. According to the applicant, 169 trees planted under the accepted landscape proposals in previous approvals will be preserved and maintained. The proposed landscape and tree preservation plan, drainage plan and fire service installations (FSIs) plan are shown at **Drawings A-3, A-4 and A-5a and 5b** respectively.
- 1.4 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/94) (a)	Current Application (A/HSK/316) (b)	Difference (b) – (a)
Applied Use	Temporary logistics centre and warehouse for a period of 3 years	Temporary logistics centre and warehouse for a period of 3 years	same
Site Area	23,180m ²	23,180m ²	same
No. of Structures	11	22	+11
Total Floor Area	17,513.5 m ²	17,375m ²	-138.5m ²
Height of Structures	1 to 2 storeys (2.6m - 11m high)	1 to 2 storeys (2.1m - 12m high)	+1m
No. of Private Car Parking Spaces	3	3	same
No. of Loading/ Unloading Spaces	19 for container vehicles	20 for container vehicles	+1
Operation Hours	Mondays to Fridays: 9:00 a.m. to 6:00 p.m. Saturdays: 9:00 a.m. to 1:00 p.m. 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 1.6.2021 with Supplement Information on the design of proposed development **(Appendix I)**
 - (b) Planning statement **(Appendix Ia)**
 - (c) Supplement Information clarifying the site area proposed for loading/unloading spaces for container vehicles **(Appendix Ib)**

received on 3.6.2021

- (d) Further Information clarifying the traffic flow received on 24.6.2021 **(Appendix Ic)**
- (e) Further Information on the fire service installation proposal received on 6.7.2021 **(Appendix Id)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Planning Statement at **Appendix Ia**. They can be summarized as follows:

- (a) The applied uses are temporary in nature and would be an effective means to use the site before commencement of the implementation of the Hung Shui Kiu and Ha Tsuen New Development Area. The operator is willing to move out when required and the applied uses would not jeopardise the long term development of the area.
- (b) The applied uses can meet the demand for logistics use by the trade. There is no local objection to the applied use.
- (c) Four previous approvals for similar uses were granted and the planning circumstances, including compatibility with the surrounding areas where are predominantly used for open storage yards, warehouse and logistics centre are still applicable at present. The applied uses are not incompatible with surrounding uses.
- (d) Approval conditions for the previous application No. A/HSK/94 were mostly complied with. The accepted drainage proposals, tree preservation and landscape proposal and provision of fence have been implemented and maintained to mitigate possible adverse impacts.

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

The applicant is not a “current land owner” of the private land portion of the Site 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 notices and publishing in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPG PG-No.31A are not applicable to the GL 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 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 was involved in 4 previous applications (No. A/YL-HT/563, 758 and 962 and No. A/HSK/94) for temporary warehouses and/or logistics centre. All these applications were approved with conditions by the Committee between 2008 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. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The last application No. A/HSK/94 for temporary logistics centre and warehouse was approved with conditions by the Committee for a period of 3 years on 21.9.2018. The permission was revoked on 21.4.2021 due to non-compliance with a time-limited approval condition regarding the implementation of FSIs proposal. Compared with the last application, the current application is submitted by the same applicant for the same applied uses with the same site area. The layout of the applied uses is largely the same with that of the last application, except with the addition of a number of converted container structures for various ancillary uses beneath the main structures.

7. Similar Applications

There are 13 similar applications (No. A/HSK/40, 47, 63, 68, 85, 86, 99, 135, 173, 219, 227, 264 and 295) within the same “R(A)3” and “G/IC” zones on the OZP for temporary logistics centre with or without open storage and parking uses which were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. However, 5 planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of these 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-4c)

- 8.1 The Site is:
- (a) currently fenced off and used for the applied uses without a valid planning permission; and
 - (b) accessible from Ping Ha Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its north are 2 logistics centres, one of which is under a valid planning permission;
 - (b) to its west is Ping Ha Road and across the Road is an open storage yard of construction materials, a godown and a logistics centre under a valid planning permission;
 - (c) to its east are some parking of vehicles and residential dwellings; and
 - (d) to its south and southwest are open storage yards of trucks and scrap metal under valid planning permissions, warehouses, logistics centre and a vehicle repair

workshop intermixed with some residential dwellings.

9. Planning Intentions

- 9.1 The planning intention of the “R(A)3” 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.
- 9.2 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 (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 the prior approval of the Government. Two portions of GL in the application site are covered by a Short Term Tenancy (STT) with No. 1989 for the purposes of “Storage and Repair of Container Boxes”. No permission is given for occupation of the remaining GL (about 355m² subject to verification) included in the Site. 17 private lots are covered by Short Term Waivers.
 - (b) The applicant should be reminded of the detailed comments in **Appendix VI**.

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 view point.
 - (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to 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 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 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive uses in the vicinity of the Site (the nearest residential dwelling being about 6 m away) (**Plan A-2**), and the development involves the use of container vehicles. 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 latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Drainage

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

- (a) According to the applicant's submission, the existing drainage facilities which were implemented under approved application No. A/HSK/94 will be maintained for the subject development. He has no objection in principle to the application from a drainage point of view. Should the application be approved, a condition should be stipulated requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (b) The applicant should be reminded of the detailed comments in **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 (BA) for the existing structures at the Site.
- (b) The applicant should be reminded of the detailed comments in **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 application subject to FSIs being

provided to his satisfaction.

- (b) In consideration of the design/nature of the structures, 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 applicant should be reminded of the detailed comments in **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, 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/NT 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 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 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 objection to/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 Comments Received During Statutory Publication Period

On 8.6.2021, 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 for the reasons that the development will increase traffic flow and environmental nuisances and pose fire safety hazards to the villagers; failure of the previous approval in fulfilling conditions on fire services installations and such brownfield site should be removed to make way for new town development (**Appendices VI-1 and 2**).

12. Planning Considerations and Assessment

12.1 The application is for temporary logistics centre and warehouse for a period of 3 years at a site which straddles over the “R(A)3” (44%) and “G/IC” (42%) zones and an area shown as ‘Road’ (14%) on the OZP. The planning intention of the “R(A)3” zone is primarily for high-density residential developments, while 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 uses are not in line with the planning intentions of the “R(A)3” and “G/IC” zones, PM/W of CEDD has 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 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 the implementation of government projects.

12.2 The applied uses are not incompatible with the surrounding land uses which are predominantly occupied by open storage yard of containers, warehouses and logistics uses.

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 uses including port back-up uses are generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals (Applications No. A/YL-HT/563, 758 and 962 and No. A/HSK/94) for similar uses were given. For the last approved application No. A/HSK/94, two of the three time-specific approval conditions had been complied with and efforts had been made to comply with the remaining one. Although the planning permission was subsequently revoked on 21.2.2021 due to non-compliance with a time-specific approval condition on the implementation of the FSIs proposal, the applicant has submitted FSIs proposal in the current application and pledged to commission recognised contractor to submit relevant FSIs proposal and implement the relevant approval conditions. 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 again resulting in revocation of planning permission, sympathetic consideration would not be given to any further applications.

- 12.5 Concerned government departments have no objection to or no adverse comment on the application, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being 6m away) (**Plan A-2**), and the development involves the use of container vehicles and thus environmental nuisance is expected. However, there is no environmental complaint pertaining to the Site in the past three 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.
- 12.6 In addition to 4 previous planning approvals for warehouse and logistics centre at the Site (**Plan A-1b**), there are 13 similar approvals within the same "R(A)3" and "G/IC" zones on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee's previous decisions.
- 12.7 Two objecting public comments were received during statutory publication period as summarised 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 and warehouse 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 **23.7.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 6:00 p.m. to 9:00 a.m. on Mondays to Fridays, and from 1:00 p.m. to 9:00 a.m. on Saturdays, 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 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 and landscape plants on the Site shall be maintained at all times during the planning approval period;
- (e) the existing fencing on the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities shall be maintained at all times during the

planning approval period;

- (g) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.10.2021**;
- (h) the submission of a fire service installations proposal within **3 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.10.2021**;
- (i) in relation to (h) above, the implementation of the fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.1.2022**;
- (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 reasons for rejection are suggested for Members' reference:

- (a) the applied uses are not in line with the planning intentions of the "R(A)3" and "G/IC" zones, which are primarily for high-density residential developments and 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, respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied uses would not have adverse environmental impact on the surrounding areas.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are

invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 1.6.2021
Appendix Ia	Planning Statement
Appendix Ib	SI received on 3.6.2021
Appendix Ic	FI received on 24.6.2021
Appendix Id	FI received on 6.7.2021
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 Covering the Site
Appendix IV	Similar Application Within the Same “R(A)3” and “G/IC” Zones
Appendices V-1 to 2	Public Comments
Appendix VI	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	Proposed Drainage Plan
Drawings A-5a to 5b	Proposed FSI's 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

**PLANNING DEPARTMENT
JULY 2021**