

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/321

- Applicant** : Prime Surplus Management Limited represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, N.T.
- Site Area** : about 11,762m² (including GL of about 8m² or 0.06%)
- 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
- Zonings** : “Residential (Group B)2” (“R(B)2”) (61%);
[Restricted to maximum plot ratio of 2.5, maximum building height of 90mPD]
- “Open Space” (“O”)(24.3%);
- “Residential (Group B)1” (“R(B)1”) (11.7%); and
[Restricted to maximum plot ratio of 3.5, maximum building height of 90mPD]
- an area shown as ‘Road’ (3%)
- Application** : Temporary Logistics Centre with Ancillary Site Office 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 with ancillary site office for a period of 3 years (**Plan A-1a**). The Site straddles over the “R(B)2” (61%), “O” (24.3%) and “R(B)1” (11.7%) zones with minor encroachment onto areas shown as ‘Road’ (3%) 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. The Site is currently used for the applied use with valid planning permission (**Plans A1-b, A-4a to 4b**).
- 1.2 The Site was involved in 8 previous applications for temporary logistics centre and parking/open storage of container tractors/trailers (**Plan A-1b**). The last application (No. A/HSK/145) for renewal of planning approval for temporary logistics centre

with ancillary site office for a period of 3 years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 3.5.2019. All conditions have been complied with except the one on the implementation of fire service installations (FSIs) proposal.

- 1.3 The Site is accessible from Lau Fau Shan Road with an ingress/egress point at the northeastern part of the Site (**Drawing A-1 and Plan A-2**). As shown on the layout plan at **Drawing A-1**, a two-storey temporary structure (not exceeding 12m high) for logistics centre with rain shelter and site office occupies the southern portion of the Site. The remaining area is for manoeuvring and loading/unloading of vehicles. 3 other temporary structures, all one-storey (4m or 6.5m high), for various ancillary facilities including water tank and pump room, electricity meter room, guard room and toilet, are also proposed. Proposed unloading and unloading bays for medium/heavy goods vehicles and for container trailers/tractors are 4 and 2 respectively. The proposed landscape and tree preservation plan, the as-built drainage plan and the FSIs proposal are shown at **Drawings A-2, A-3 and A-4a to A-4b** respectively.
- 1.4 The development parameters and layout of the last approved application (No. A/HSK/145) and the current application are totally the same.

Major Development Parameters	Last Approved Application (A/HSK/145) (a)	Current Application (A/HSK/321) (b)
Applied Use	Temporary logistics centre with site office for a period of 3 years	
Site Area	11,762m ²	
No. of Structures	5	
Total Floor Area	9,024 m ²	
Height of Structures	1 to 2 storeys (4m - 12m high)	
No. of Loading/Unloading Spaces	4 for medium/heavy goods vehicles 2 for container vehicles	
Operation Hours	Mondays to Saturdays: 7:00 a.m. to 11:00 p.m. No operation on Sundays and public holidays	

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 29.6.2021 with drawings and Supplement Information on the estimated traffic generation **(Appendix I)**
- (b) Further Information on FSIs proposal received on 3.8.2021 **(Appendix Ia)**

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 development parameters in the current application are the same as the last planning approval No. A/HSK/145 and the planning circumstances are the same. The applied use conforms to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses No. 13F (TPB-PG No. 13F) because it is the subject

of two previous approvals for the same use since 2016 and sympathetic consideration would be granted before the land resumption by Government.

- (b) The applied use is temporary in nature and would not jeopardise the long term development of the area.
- (c) The applied use is not incompatible with surrounding environment including open storage uses and port back-up activities. Furthermore, as such uses adjoining the Site are granted with planning permissions, similar preferential treatment should be given to the current application.
- (d) There is a genuine demand for port back-up uses in Ha Tsuen.
- (e) Approval conditions for the last application have been mostly complied with except the implementation of FSIs proposal. With the proposed mitigation measures and/or existing facilities, the traffic, environmental/noise and drainage impacts would be minimized.

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 8 previous applications (No. A/YL-HT/242, 307, 308, 500, 501, 934 and 1017 and A/HSK/145) for temporary logistics centre or parking/open storage of container trailers/tractors with or without ancillary site office or repair workshop. All these applications were approved with conditions by the Committee between 2002 and 2019 on the considerations that approval of the applications on temporary basis would not jeopardize the long-term development of the Site; the applied uses were not incompatible with the surrounding areas; and the applications were generally in line with the then Town Planning Board Guidelines No. 13. Two of these approvals were subsequently revoked for non-compliance with the time-limited approval conditions. 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/HSK145 for renewal of planning approval for temporary logistics centre with ancillary site office was approved with conditions by the Committee for a period of 3 years on 3.5.2019. The permission is valid until 3.5.2022. All of the time-limited approval conditions have been complied with except the one on the implementation of FSIs proposal. Compared with the last application, the current application is submitted for the same applied use at the same site with the same layout.

7. Similar Applications

There are 10 similar applications (No. A/HSK/5, 7, 50, 59, 108, 160, 216, 245, 249 and 283) within the same “R(B)2”, “O” and “R(B)1” zones on the OZP for temporary logistics centre which were all except one approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. However, 5 permissions were subsequently revoked due to non-compliance with approval conditions. Application No. A/HSK/249 was rejected due to repeated revocation history. 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-4b)

8.1 The Site is:

- (a) currently used for the applied use under valid planning permission (No. A/HSK/145); and
- (b) abutting Lau Fau Shan Road.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is an open storage yard of construction materials and machinery. To its further north are a warehouse and an open storage yard both under valid permissions, a vehicle repair workshop and some residential dwellings (the nearest dwelling being about 23m away)(**Plan A-2**);
- (b) to its immediate east are an open storage yard of vehicles and a logistics centre. To its northeast across Lau Fau Shan Road are a cluster of residential dwellings of Sha Kong Wai and an open storage yard of construction materials;
- (c) to its south are 2 logistics centres; and
- (d) to its immediate west is a logistics centre and further northwest is another logistics centre operating under valid planning permission.

9. Planning Intentions

- 9.1 The planning intention of the “R(B)1” and “R(B)2” zones is primarily for medium-density residential developments where commercial uses serving the residential neighbourhood may be permitted with or without application to the Board.
- 9.2 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 residential 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 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. The GL is covered by a Short Term Tenancy for the purposes of “Temporary Logistics Centre with Ancillary Site Office”. 18 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 Comment of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.

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 23 m away) (**Plan A-2**), and the development involves the use of heavy goods 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/145 will be maintained for the subject development. She 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 her 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 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.

Other

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

The part of the Site zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. She has no plan to develop the portion of the Site zoned “O” into public open space at present.

District Officer’s Comments

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

- (a) She has no comment on the application from departmental point of view.
- (b) Her 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 6.7.2021, 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 applied use will increase traffic flow, cause environmental nuisances and pose fire safety hazards to the villagers; failure in complying with the approval conditions in previous application as demonstrated by nine extensions of time-limit for compliance 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 with ancillary site office for a period of 3 years at a site which straddles over the “R(B)2” (61%), “O” (24.3%) and “R(B)1” (11.7%) zones with minor encroachment onto areas shown as ‘Road’ (3%) on the OZP. The planning intention of the “R(B)1” and “R(B)2” zones is primarily for medium-density residential developments, while 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 residential as well as the general public. Whilst the applied use is not in line with the planning intentions of the “R(B)1”, “R(B)2” and “O” zones, 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 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 use is not incompatible with the surrounding land uses which are predominantly occupied by logistic centres, open storage yards and workshops.
- 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 2 previous planning approvals (Applications No. A/YL-HT/1017 and No. A/HSK/145) for the same use at the same site were given. For the approved application No. A/YL-HT/1017, all time-limited approval conditions had been complied with. As for the last renewal application No. A/HSK/145, all the time-limited approval conditions have been complied with except the implementation of FSIs proposal. Efforts had been demonstrated in relation to the progressive installation of FSIs to comply with this approval condition and FSIs proposal has been submitted in the present application. In this regard, D of FS has no objection to the current 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 Concerned government departments including C for T and CE/MN, DSD 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 23m away) (**Plan A-2**), and the development involves the use of heavy goods 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 3 previous planning approvals for logistics centre involving the Site (**Plan A-1b**), there are 9 similar approvals within the same "R(B)2", "O" and "R(B)1" 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 with ancillary site office 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 **27.8.2024**. 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. on Mondays to 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 drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 **27.11.2021**;
- (g) 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 **27.11.2021**;
- (h) in relation to (g) 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 **27.2.2022**;

- (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 intentions of the "R(B)1", "R(B)2" and "O" zones, which are primarily for medium-density residential developments, and for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public, 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 use 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 29.6.2021 with drawings and supplementary information
Appendix Ia	FI received on 3.8.2021
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 Applications Within the Same "R(B)2", "O" and "R(B)1" Zones

Appendices V-1 to 2	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape and Tree Preservation Plan
Drawing A-3	As-built Drainage Plan
Drawings A-4a to 4b	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
AUGUST 2021**