

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/331

- Applicant** : Luen Bong Property Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1454 RP (Part), 1457 RP (Part), 1458 RP (Part), 1459 S.A (Part), 1459 RP (Part), 1460 (Part), 1461 (Part), 1462 (Part), 1463 (Part), 1464 (Part), 1465 (Part) and 1466 (Part) in D.D.125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 12,635 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
- Zonings** : “Other Specified Uses” annotated ‘Logistics Facility’ (“OU(LF)”) (about 63.1%);
[Restricted to maximum plot ratio (PR) of 5 and maximum building height (BH) of 110mPD]
- “Other Specified Uses” annotated ‘Sewage Treatment Works’ (“OU(STW)”) (about 16.8%); and
[Restricted to maximum building height (BH) of 50mPD]
- an area shown as ‘Road’ (about 20.1%)
- Application** : Temporary 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 logistics centre for a period of 3 years (**Plan A-1**). The Site straddles over “OU(LF)” (63.1%), “OU(STW)” (16.8%) zones and an area shown as ‘Road’ (20.1%) on the approved HSK and HT OZP. According to the Notes of the OZP, ‘Cargo Handling and Forwarding Facility’ is a Column 1 use in the “OU(LF)” zone and no planning permission from the Town Planning Board (the Board) is required. There is no provision for such use within the “OU(STW)” zone. However, 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 zone requires planning permission from 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 approved OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use without a valid planning permission (**Plan A-4**).

- 1.2 The Site is related to two previous applications for temporary open storage and logistics centre uses (**Plan A-1**). The last application No. A/HSK/141 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 12.4.2019. However, the planning permission was subsequently revoked on 12.9.2021 due to non-compliance with the time-limited approval conditions on the implementation of drainage and fire services installation (FSIs) proposals.
- 1.3 The Site is accessible from Ha Tsuen Road via a local track (**Plan A-2**). As shown on the layout plan at **Drawing A-2**, two ingress/egress points are located at the northern and north-eastern part of the Site respectively. There are two one-storey logistics warehouses (12m in height with a total floor area of about 7,060m²) and 8 other structures (all in 1 to 2 storeys, 3 to 5m in height) for various ancillary facilities such as site office, toilet and guard room within the Site. 2 loading and unloading bays (16m x 3.5m) for container trailer and 6 loading and unloading bays (11m x 3.5m) for medium / heavy goods vehicles (MGVs/HGVs) are provided. The vehicular access plan, layout plan, drainage plan and fire services installation (FSIs) plan submitted by the applicant are at **Drawings A-1** to **A-4** respectively.
- 1.4 A comparison of the major development parameters of the current application and the last approved application (No. A/HSK/141) is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/141) (a)	Current Application (A/HSK/331) (b)	Difference (b) - (a)
Applied Use	Temporary Logistics Centre (3 years)		Same
Site Area	9,950 m ²	12,635 m ²	+2,685 m ² (+27%)
No. of Structures	7	10	+3 (additional structures for guard room, electricity meter rooms and FSIs)
Total Floor Area	7,325 m ²	7,382 m ²	+57 m ² (+0.8%)
No. of Loading/Unloading Spaces	6 for MGVs/HGVs (11m x 3.5m each) 2 for container trailer (16m x 3.5m each)		No change
Operation Hours	7:00 a.m. to 11:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays		No change

- 1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with plans received on 17.8.2021 **(Appendix I)**
- (b) Further Information (FI) received on 5.10.2021 enclosing a FSIs proposal **(Appendix Ia)**
[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 at **Appendix I**. They can be summarized as follows:

- (a) The Site is subject to a previous planning permission (No. A/HSK/141), the applied use of the current application is the same as the previously approved permission with a larger site area. The additional area is intended for manoeuvring of container trailers and MGVs/HGVs only.
- (b) The Site is mainly zoned “OU(LF)” which its planning intention could not be realized within the coming 3 years. Given the proposed development is temporary in nature, it would not jeopardise the long term planning intention of the area. The proposed development will be terminated once the land resumption work starts.
- (c) There is a general shortage of land and strong demand for port back-up uses in the area. The applied use is compatible with the surrounding land uses and previous permission was given to the Site.
- (d) The applied use is in line with the Town Planning Board Guidelines for application for open storage and port back-up uses (TPB PG-No.13F).
- (e) The proposed use will not cause adverse environmental, noise and drainage impacts as the Site will not be operated during sensitive hours and surface U-channel is provided at the Site.

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 publishing a notice of the application in two Chinese and one English local newspapers and posting site notice at the Site. 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 subject to 2 previous applications (No. A/YL-HT/165 and A/HSK/141) for temporary open storage and logistics centre uses respectively. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Application No. A/YL-HT/165 covering the Site and area to its west for proposed temporary open storage of containers for a period of 3 years was rejected by the Committee on 22.9.2000 mainly for the reasons that the proposed development was not compatible with the surrounding areas and there was insufficient information to demonstrate that the proposed development would not have adverse drainage, traffic and environmental impacts on the surrounding areas.
- 6.3 The last application No. A/HSK/141 covering part of the Site for the same applied use was approved with conditions for a period of 3 years by the Committee on 12.4.2019 on the considerations that the applied use was not incompatible with the surrounding areas; generally in line with the then Town Planning Board Guidelines TPB PG-No. 13; and there are no major adverse comment from concerned government departments. However, the planning permission was subsequently revoked on 12.9.2021 due to non-compliance with time-limited approval conditions on the implementation of drainage and FSIs proposals.
- 6.4 Compared with the last application, the current application is submitted by the same applicant for the same use at a larger site with the addition of 3 structures for guardroom, electricity meter room and FSIs facilities.

7. Similar Application

There is one similar application No. A/HSK/19 within the same “OU(STW)” zone on the OZP for temporary logistics centre, which was approved by the Committee on 27.10.2017 on similar considerations as mentioned in paragraph 6.3 above. However, the planning permission was subsequently revoked due to non-compliance with approval conditions. Details of the application are summarized at **Appendix IV** and its location is shown on **Plan A-1**.

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

- 8.1 The Site is:
 - (a) currently used for the applied use without valid planning permission; and
 - (b) accessible from Ha Tsuen Road via a local track.
- 8.2 The surrounding areas have the following characteristics:
 - (a) to its north and northeast across the local track are some logistics centres, open storage yard of containers and some parking of vehicles;
 - (b) to its immediate east is a logistics centre. To its southeast is a burial ground;
 - (c) to its immediate southwest are a storage facility and a vehicle repair workshop. To its immediate west are a pond and Kong Sham Western

Highway; to its northwest are some parking of vehicles, warehouse and workshop and a logistics centre.

9. Planning Intentions

- 9.1 The planning intention of the “OU(LF)” zone is intended primarily for the development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistics Hub.
- 9.2 The planning intention of the “OU(STW)” zone is intended primarily for the provision of sewage treatment/screening plant.

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 Commissioner for Transport (C for T):

- (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) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) HyD shall not be responsible for the maintenance of any access connecting the Site and Ha Tsuen Road.

Environment

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

- (a) There was no environmental complaint pertaining to the Site received in the past three years.
- (b) 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) 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 submit a drainage proposal, to implement and maintain the proposed 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 FSIs proposal 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.

District Officer's Comment

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 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 24.8.2021, 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 object 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 opine that the Site should be used for modern logistic facilities development (**Appendices V-1 to 2**).

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre for a period of 3 years at the Site which straddles over "OU(LF)" (about 63.1%), "OU(STW)" (about 16.8%) zones and an area shown as 'Road' (about 20.1%) on the OZP. The planning intention of the "OU(LF)" zone is primarily for development of modern logistics facilities to complement the development of Hong Kong as a Regional Distribution Centre and Logistic Hub; whereas the "OU(STW)" zone is primarily for the provision of sewage treatment/screening plant. The proposed development is in line with the planning intention of the "OU(LF)" zone and 'Cargo Handling and Forwarding

Facility' is a Column 1 use in such zone. Whilst the applied use is not in line with the planning intention of the "OU(STW)" zone, the implementation programme for this part of NDA is still being formulated, and 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 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 logistics centres, workshops and open storage yards in the vicinity. 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 approval has been given. Further, the applied use of the current application is the same as the last approved application No. A/HSK/141. Although the last planning approval was subsequently revoked on 12.9.2021 due to non-compliance with time-limited approval conditions on the implementation of drainage and FSIs proposals, the applicant has further submitted drainage and FSIs proposals in the current application (**Drawings A-3 and A-4**). In this regards, CE/MN of DSD and D of FS have 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 other concerned government departments including C for T and DEP. Relevant approval conditions have been 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 1 previously approved planning application for the same applied use as the current application at the Site (**Plan A-1 and Appendix III**) and 1 similar approved application within the same "OU(STW)" zone on the OZP (**Plan A-1 and Appendix IV**). Approval of the current application is in line with the Committee's previous decisions.
- 12.7 There were two public comments 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 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 **15.10.2024**. 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 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) the submission of a drainage proposal 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 **15.1.2022**;
- (d) in relation to (c) above, the implementation of the drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **15.4.2022**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 **15.1.2022**;

- (g) in relation to (f) 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 **15.4.2022**;
- (h) if any of the above planning conditions (a), (b) 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
- (i) if any of the above planning conditions (c), (d), (f) or (g) 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:

the applied use is not in line with the planning intention of the "OU(STW)" zone, which is primarily for the provision of sewage treatment/screening plant. There is no strong planning justification in the submission to deviate from the planning intention, even on a temporary basis; and

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 with plans received on 17.8.2021
Appendix Ia	FI received on 5.10.2021
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 Drainage Plan

Drawing A-4	Proposed FSIs Plan
Plan A-1	Location Plan with Previous Applications and Similar Application
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2021**