

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/345

- Applicant** : Skywin International Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 3167 S.A (Part), 3167 S.B (Part), 3168 (Part), 3169 (Part), 3170 (Part), 3171 RP (Part), 3172 RP (Part), 3177 (Part), 3302 (Part), 3305 RP (Part), 3306 (Part), 3313 (Part), 3314 (Part), 3315 S.A and 3315 RP (Part) in D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : About 8,910m² (including GL of about 1,157m² or 13%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : “Government, Institution or Community” (“G/IC”) (74.6%); and
[restricted to maximum building height (BH) of 8 storeys and 50mPD]
an area shown as ‘Road’ (25.4%)
- Application** : Temporary Logistics Centre 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 for a period of 3 years (**Plan A-1a**). The Site falls within an area mainly zoned “G/IC” (74.6%) and partly shown as ‘Road’ (25.4%) on the approved HSK and HT OZP. According to the Notes of the OZP, logistics centre is neither Column 1 nor Column 2 use under the “G/IC” zone. 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 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’, all uses or developments require planning permission from the Board. The Site is currently used for the applied use without valid planning permission. (**Plans A-2, A-4a to 4b**).
- 1.2 The Site was involved in 8 previous applications for various temporary open storage and logistics centre uses. The last application No. A/HSK/173 for renewal of the same applied use was approved with conditions by the Rural and New Town

Planning Committee (the Committee) for 3 years on 16.8.2019. The permission was subsequently revoked on 16.12.2021 due to non-compliance with the time-limited approval conditions regarding the submission and the implementation of the fire service installations (FSIs) proposal.

- 1.3 The Site is accessible from Ping Ha Road and the ingress/egress point is located at the south western boundary of the Site (**Drawing A-1** and **Plan A-2**). As shown on the layout plan at **Drawing A-2**, one two-storey temporary structure (not exceeding 11m with a floor area of 11,140m²) for logistics centre use occupies the northern and central portions of the Site. Four other temporary structures, ranging from 1-2 storeys (3m to 7m high) for various ancillary facilities, including site office, electricity meter room, toilets, guard room, staff room, water tank and pump room are also provided. The southern portion of the Site is for manoeuvring and parking of vehicles. Eight loading/unloading bays (four for medium/heavy goods vehicles and four for container trailers) are also proposed. No workshop activities at the Site are proposed. The operating hours are from 7:00 a.m. to 11 p.m. from Mondays to Saturdays. No operation will be held on Sundays and public holidays. The as-built drainage plan are shown at **Drawings A-3**.

- 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/173) (a)	Current Application (A/HSK/345) (b)	Difference (b) – (a)
Applied Use	Temporary logistics centre for a period of 3 years	Temporary logistics centre for a period of 3 years	same
Site Area	8,910m ²	8,910m ²	same
No. of Structures	4	5	+1 (addition of staff room)
Total Floor Area	5,925 m ²	5,819m ²	-106m ² (-1.8%)
Height of Structures	Logistics Centre - 1 storeys (11m) Other – 1 to 2 storeys (3m - 7m high)	Logistics Centre - 2 storeys (11m) Other – 1 to 2 storeys (3m - 7m high)	+1 storey (Logistics Centre)
No. of Loading/ Unloading Spaces	8 (4 for medium/heavy goods vehicles and 4 for container trailers)	8 (4 for medium/heavy goods vehicles and 4 for container trailers)	same
Operation Hours	Mondays to Saturdays: 7:00 a.m. to 11:00 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 18.11.2021 with estimated traffic generation and drawings (**Appendix I**)

- (b) Further Information (FI) received on 6.1.2022 for **(Appendix Ia)** submission of a FSIs proposal

[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) The proposed use conforms to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB-PG No. 13F) as the Site falls within the Hung Shui Kiu/ Ha Tsuen New Development Area (HSK/HT NDA) and it is covered with 2 previous planning permissions for the same logistic uses since 2016.
- (b) The proposed use is temporary in nature for a period of 3 years which would not jeopardise the long-term planning intention of the “G/IC” zone.
- (c) The proposed use is not incompatible with the surrounding environment including open storage and port-back-up uses, which were granted with planning permissions. Similar treatment should be applicable to the current application.
- (d) As the applied use is housed within an enclosed structure and no workshop activity is proposed, the noise impact is expected to be insignificant. The drainage impact is also expected to be insignificant with the existing surface U-channel. The traffic impact will be minimal.
- (e) There is a shortage of land for port back-up use in Ha Tsuen.

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. 31) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements are not applicable to the GL portion.

4. Background

The Site is currently not subject to any planning enforcement action.

5. 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 HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. Previous Applications

- 6.1 The Site was involved in 8 previous applications (No. A/YL-HT/62, 139, 257, 411, 425, 663 and 1043 and No. A/HSK/173) covering different extent of the Site for various open storage and logistics centre uses. All of these applications were approved with conditions by the Committee from 1998 to 2019 on the considerations that the applied uses would not jeopardise the long-term development of the Site; being not incompatible with the surrounding areas; generally in line with the then TPB PG No. 13 and no major adverse comment from concerned government departments. Among these, two planning permissions of the approved applications No. A/YL-HT/425 and No. A/HSK/173 were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 The last approved application No. A/HSK/173 for renewal of the same applied use as the current application was approved by the Committee for a period of 3 years on 16.8.2019. The permission was revoked on 16.12.2021 due to non-compliance with the time-limited approval conditions regarding the submission and the implementation of the FSIs proposal. Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with minor changes in site layout and development parameters.

7. Similar Applications

There are 7 similar applications (No. A/HSK/40, 68, 69, 94, 227, 307 and 316) within the same “G/IC” zone for temporary logistics centre use with various ancillary uses, which were all approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. However, the permissions of applications No. A/HSK/40, 69 and 94 were subsequently revoked due to non-compliance with the time-limited approval conditions. Details of these applications are summarised 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 without valid planning permission; and
- (b) accessible from Ping Ha Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is a logistics centre under valid planning permission. To its northwest are a logistic centre, some parking of vehicles and a residential dwelling (about 68m away) (**Plan A-2**);
- (b) to the east are some unused land;
- (c) to its immediate south is a logistics centre under valid planning permission; and

- (d) to the west are two open storage yards of construction materials and crane truck with workshop, and a logistics centre and workshop under valid planning permission.

9. Planning Intention

The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

10. Comments from Relevant Government Departments

- 10.1 The following government departments have been consulted and their views on the application 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 in the Site is covered by a Short Term Tenancy, while 14 OSALs 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 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 or reverse onto/from public roads.
- (c) The applicant should be reminded of the detailed comments in **Appendix VI**.

- 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 to prevent surface water running from the Site to the nearby public roads and drains.

- (b) The access road connecting the Site with Ping Ha Road is not and will not be maintained by HyD. 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 users in the vicinity of the Site (the nearest residential dwelling being about 68m away) (**Plan A-2**) and the development involves use of heavy 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/173 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 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 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 (New Territories West), Civil Engineering and Development Department (PM/NTW, CEDD):

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 lots concerned fall within the site under Remaining Phase development of HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that the site formation and engineering infrastructure works for the Remaining Phase development will commence in 2030.

District Officer's Comment

10.1.9 The District Officer (Yuen Long), Home Affairs Department (DO/YL, HAD) comments that his office has not received any comment from the village representatives in the vicinity on the Site.

10.2 Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) has no objection to the application.

11. Public Comments Received During Statutory Publication Period

On 26.11.2021, 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 objecting to the application on the grounds that the proposed development will increase local traffic flow and cause traffic congestion, environmental nuisances and pose fire safety hazards to the villagers; and it was considered that constant extensions of the time limits in complying with the approval conditions should not be tolerated and development of community services should proceed in tandem with the construction of housing in development of Northern Metropolis (**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 a site straddling over "G/IC" zone (74.6%) and an area shown as 'Road' (25.4%) on the OZP. The planning intention of the "G/IC" zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. Whilst the applied use is

not in line with the planning intention of the “G/IC” zone, the implementation programme of this part of the NDA is still being formulated, and PM/W of CEDD does not object to the temporary use for a period of 3 years 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 implementation of government projects.

- 12.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied for logistics centres, open storage yards, parking of vehicles and workshops (**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 being a port back-up use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals for similar port back-up uses were given. Although some of these approvals were revoked due to non-compliance with the time-limited approval conditions, efforts had been made to meet the conditions in these approvals. All approval conditions attached to the planning permission of the previous application No. A/YL-HT/1043 for the same use at the same site had been complied with and for the last approved application No. A/HSK/173 for renewal of the applied use, and efforts had been made to comply with the approval conditions. Although the planning permission was subsequently revoked on 16.12.2021 due to non-compliance with the time-limited approval conditions on the submission and the implementation of the FSIs proposal, the applicant submitted a FSIs proposal and D of FS has no objection to the current application. In this regard, sympathetic consideration may be given to the application. 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 There is no adverse comment from the concerned government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling is about 68m away) (**Plan A-2**), and the applied use involves use of heavy vehicles and thus environmental nuisance is expected. However, there was no substantive 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 other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and any unauthorised 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 latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the possible environmental impacts on the surrounding areas.
- 12.6 In addition to 2 previous planning approvals for logistics centre at the Site (**Plan A-1b**), there are 7 similar approvals for logistics centre uses within the same "G/IC" zone on the OZP (**Plan A-1a**). Approval of the subject application is in line with the Committee's previous decisions.
- 12.7 Two public comments objecting to the application 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 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 **14.1.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no workshop activities, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 **14.4.2022**;

- (f) the submission of fire service installations proposal within **3** months from the date of the planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **14.4.2022**;
- (g) in relation to (f) above, the implementation of fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of Director of Fire Services or of the Town Planning Board by **14.7.2022**;
- (h) if any of the above planning condition (a), (b), (c) or (d) 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 condition (e), (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:

- (a) the applied use is not in line with the planning intention of the "G/IC" zone, which is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impacts 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 18.11.2021
Appendix Ia	FI received on 6.1.2022
Appendix II	Relevant Extracts 7-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 “G/IC” Zone
Appendices V-1 & 2	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage 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 and 4b	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**