

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/356

- Applicant** : Star Mind Corporation Limited represented by Lanbase Surveyors Limited
- Site** : Lots 1802 S.B RP (Part), 1807 (Part), 1808 RP (Part), 1819 (Part), 1825 (Part), 1826, 1827 S.A, 1827 S.B (Part), 1828 (Part), 1829 (Part), 1830 (Part), 1831 (Part), 1835 (Part), 1836 (Part), 1837, 1838, 1839 (Part) 1843 (Part), 1844 (Part) and 1849 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 9,500 m²
- Land Status** : 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** : (i) “Government, Institution or Community” (“G/IC”) (about 42.8%);
[Restricted to maximum building height (BH) of 8 storeys]
(ii) Open Space” (“O”) (about 32.7%);
(iii) “Residential (Group A) 4” (“R(A)4”) (about 21.8%);
[Restricted to maximum plot ratio (PR) of 5 and maximum BH of 120mPD]
(iv) “Residential (Group A) 3” (“R(A)3”) (about 0.9%); and
[Restricted to maximum PR of 5.5 and maximum BH of 140mPD]
(v) an area shown as ‘Road’ (1.8%)
- Application** : Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary storage of construction materials and containers, logistics centre and ancillary workshop uses for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area straddling the “G/IC” (about 42.8%), “O” (about 32.7%) and “R(A)4” (about 21.8%) zones with minor encroachments onto the “R(A)3” zone and an area shown as ‘Road’ on the 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 “G/IC”, “O” and “R(A)” 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 A-4a and A-4b**).

- 1.2 The Site is accessible from Ping Ha Road via a local track (**Drawing A-1 and Plans A-2 and A-3**) and the ingress/egress point is at its western boundary. As shown on the layout plan at **Drawing A-1**, the Site is separate into eastern and western portions by a manoeuvring circle and a single-storey temporary structure for toilet which are provided in the middle of the Site. The eastern portion comprises 2 one- or two-storey temporary structures respectively for logistics centre (with a floor area of about 6,628m²; 9m high) and for security room (floor area of 21m²; 2.6m high) with 8 loading/unloading spaces for heavy goods vehicles. The western portion comprises 5 one- or two-storey temporary structures (2.6m to 6m high) for storage of construction materials, workshop, office, water tank, toilets and meter room. The operation hours are 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The landscape plan, as-built drainage plan and the fire service installations (FSIs) proposal submitted by the applicant are shown on **Drawings A-2, A-3 and A-4** respectively.
- 1.3 The Site is involved in 21 previous planning applications (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with annex and plans received on 22.12.2021 (**Appendix I**)
 - (b) Planning Statement (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 23.12.2021 (**Appendix Ib**)
 - (d) Further information (FI) received on 17.1.2022 (**Appendix Ic**)
 - (e) FI received on 11.4.2022 (**Appendix Id**)
[(d) and (e) exempted from publication and recounting requirements]
- 1.5 At the request of the applicant, the Rural and New Town Planning Committee (the Committee) on 18.2.2022 agreed to defer a decision on the application for two months so as to allow time for the applicant to submit FI to address departmental comments. After the deferment, the latest FI was received on 11.4.2022. The application is therefore scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the Application Form and the Planning Statement at **Appendices I and Ia**. They can be summarized as follows:

- (a) The Site is the subject of two planning approvals (No. A/YL-HT/961 and A/HSK/105) for the same uses under the current application, which were approved by the Board in 2015 and 2018 respectively. There have been no major change in the planning circumstances. In addition to more than 20 planning applications for similar temporary port back-up uses that have been approved in 2021 in the surrounding areas, the Site should be allowed for the applied uses.
- (b) According to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F), sympathetic consideration may be given to the application as the Site falls within the Hung Shui Kiu and Ha Tsuen New Development Area (HSK/HT NDA) and is not required for implementation of the NDA at this stage.
- (c) Most of the approval conditions of the last approved application (No. A/HSK/105) had been complied with. Although the required FSIs could not be fully provided due to technical issues, the applicant has provided most of the FSIs facilities on the Site. The applied uses should be tolerated.
- (d) The applied uses are compatible with its surrounding uses which are predominantly open storage and port back-up uses.
- (e) The applied uses have been operated at the Site for many years and the facilities required in previous approvals such as the drainage facilities are well maintained. Approval of the applied uses would not result in additional traffic, drainage and environmental impacts.

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

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

4. Background

The Site is currently not subject to planning enforcement action.

5. Town Planning Board Guidelines

On 27.3.2020, the Board promulgated the revised 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 is involved in 21 previous applications (No. A/YL-HT/7, 22, 46, 222, 223, 348, 354, 355, 379, 509, 510, 512, 532, 609, 666, 706, 717, 860, 862, 961 and A/HSK/105) covering different extents of the Site for various temporary open

storage uses, recyclable collection centre, workshop and/or logistics centre. Among them, 19 previous applications were approved with conditions by the Committee between 1996 and 2018 on the considerations that the applied uses would not jeopardise the long-term planning intention of the zoned uses; were not incompatible with the surrounding areas; being generally in line with the then Town Planning Board Guidelines TPB PG-No.13; and no major adverse comments from concerned government departments. However, the planning permissions for 8 of the approved applications (No. A/YL-HT/7, 46, 509, 512, 666, 860, 862 and A/HSK/105) were subsequently revoked due to non-compliance with time-limited approval conditions. On the other hand, 2 previous applications (No. A/YL-HT/22 and 223) were rejected in 1996 and 2001 respectively on the ground that there was insufficient information to demonstrate that the proposed developments would not have adverse impacts on the surrounding areas; the proposed development was incompatible with the surrounding areas and/or approval of the applications would set an undesirable precedent for similar applications. 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/105 was approved with conditions by the Committee on 16.11.2018 for a period of 3 years but the planning permission was revoked on 16.4.2021 due to non-compliance with the approval condition regarding the implementation of the FSIs proposal. Compared with the last approved application, the current application is submitted by a different applicant for the same use at the same site with similar layout and development parameters.

7. Similar Applications

- 7.1 There are 14 similar applications (No. A/HSK/11, 30, 31, 37, 70, 122, 177, 183, 187, 218, 225, 229, 252 and 355) for various temporary logistics centre, open storage use, warehouse within the same “G/IC”, “O” and “R(A)4” zones on the OZP in the past 5 years. All of these applications were approved with conditions by the Committee from 2017 to 2022 on similar considerations as mentioned in paragraph 6.1 above. However, 5 of these approvals (No. A/HSK/30, 31, 37, 70 and 218) were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1a**.
- 7.2 A similar application (No. A/HSK/370) for temporary warehouse for storage of electrical appliances within the same “R(A)4” zone on the OZP is scheduled for consideration by the Committee at this meeting (**Plan A-1a**).

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

- 8.1 The Site is:
- (a) accessible from Ping Ha Road via a local track; and
 - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its north are an open storage yard of containers under valid planning permission, and a logistics centre and another open storage yard of construction

materials which are suspected unauthorized development (UD);

- (b) to its east are a warehouse and an open storage yard of recycling materials, both under valid planning permissions, and another warehouse and open storage yard of recycling materials and construction materials which are suspected UD;
- (c) to its south and west are a warehouse, a logistics centre, a yard for parking of vehicles and trailers and an open storage yard of recycling materials, all under valid planning permissions. There are also another warehouse and three open storage yards of vehicles, construction machinery and construction materials and vehicles which are suspected UD; and
- (d) to its further west, across Ping Ha Road and within the adjacent “Village Type Development” (“V”) zone, is a football pitch.

9. Planning Intentions

- 9.1 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.
- 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 residents as well as the general public.
- 9.3 The planning intention of the “R(A)4” zone is primarily for high-density residential developments where 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.

10. Comments from Relevant Government Departments

All departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

11. Public Comment Received During Statutory Publication Period

On 31.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on the grounds that the proposed development will increase traffic flow, cause traffic congestion and environmental nuisance, and pose fire safety hazard to the villagers.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary storage of construction materials and containers, logistics centre and ancillary workshop uses for a period of 3 years at the Site mainly zoned “G/IC” (42.8%), “O” (32.7%) and “R(A)4” (21.8%) 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, whereas the “O” zone is primarily intended for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public. The “R(A)4” zone is intended primarily for high-density residential developments. Whilst the applied uses are not in line with the planning intentions of the “G/IC”, “O” and “R(A)4” zones, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) envisages that the site formation and engineering infrastructure works for this part of the NDA will commence in 2030 and the Director of Leisure and Cultural Services (DLCS) indicates that there is no plan to develop the portion of the Site zoned “O” into public open space at present. 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 uses are not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, warehouses, logistics centres, parking of vehicle and vehicle repair workshop (**Plan A-2**).
- 12.3 The applied uses are generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and previous planning approvals for various port back-up uses were given. For the last approved application (No. A/HSK/105), two of the three time-limited approval conditions had been complied with and efforts had been made to comply with the remaining condition on implementation of FSIs proposal. Although the planning permission was subsequently revoked on 16.4.2021 due to non-compliance with that condition, the applicant has submitted a FSIs proposal in the current application and D of FS considers the FSIs proposal acceptable. In this regard, sympathetic consideration may be given to the application. 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.
- 12.4 There is no adverse comment from the concerned government departments. It is anticipated that no significant adverse traffic, environmental, drainage and fire safety impacts would be generated from the applied uses. To minimize any possible environmental impacts and nuisance on the surrounding areas, and to address 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.

- 12.5 In addition to 19 previous planning approvals for similar/same storage, logistics centre and/or workshop uses at the Site (**Plan A-1b**), there are 14 approvals for similar applications within the same “G/IC”, “O” and “R(A)4” zones on the OZP (**Plan A-1a**). Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 One public comment objecting the application was received during the 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 comment mentioned in paragraph 11, the Planning Department considers that the temporary storage of construction materials and containers, logistics centre and ancillary workshop 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 **10.6.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site 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 **10.12.2022**;
- (c) the implementation of the accepted fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **10.3.2023**;
- (d) if the above planning condition (a) 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
- (e) if any of the above planning condition (b) or (c) 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members’ reference:

the applied uses are not in line with the planning intentions of the “G/IC”, “O” and “R(A)4” zones, which are 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; the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public; and for high-density residential developments, respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.

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 22.12.2021
Appendix Ia	Planning Statement
Appendix Ib	SI received on 23.12.2021
Appendix Ic	FI received on 17.1.2022
Appendix Id	FI received on 11.4.2022
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 and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Proposed Vehicular Access and Layout Plan
Drawing A-2	Proposed Landscape Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Proposed FSIs 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 and 4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**