

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/385

- Applicant** : Season Parking Company Limited (思信停車場有限公司) represented by
LANDBASE Surveyors Limited (宏基測量師行有限公司)
- Site** : Lots 80 (Part), 89 (Part), 90 (Part), 91 (Part), 92 (Part) and 93 RP (Part) in
D.D.125, Ha Tsuen, Yuen Long
- Site Area** : 4,740m² (about)
- 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** : (i) “Residential (Group A)3” (“R(A)3”) (about 95.5%);
[Restricted to a maximum plot ratio of 5.5, maximum building height of 140mPD]
(ii) “Government, Institution or Community” (“G/IC”) (about 3%); and
[Restricted to maximum building height of 8 storeys]
(iii) Area shown as ‘Road’ (about 1.5%)
- Application** : Temporary Open Storage of Containers and Logistics Centre for a Period of
3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of containers and logistics centre for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area mainly zoned “R(A)3” (95.5%) with minor encroachment onto the “G/IC” zone (3%) and area shown as ‘Road’ (1.5%) 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 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 use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from Ping Ha Road via a local track (**Drawing A-1, Plans A-2 and A-3**) with the ingress/egress point at the south-western corner of the Site (**Plan A-2**). As shown on the layout plan at **Drawing A-1**, there are two

single-storey structures (3.5m high) with a total floor area of 211m² at the north-eastern portion of the Site for ancillary uses including office, toilet and pump room. 3 parking spaces for private car and 3 loading/unloading bays for heavy goods vehicle are provided at the southern part of the Site. The north-western portion of the Site is for open storage of containers. According to the applicant, the operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays.

1.3 The Site is involved in 6 previous planning applications (details at paragraph 6 below).

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

- | | |
|--|--------------------|
| (a) the Application Form received on 22.6.2022 | Appendix I |
| (b) Supplementary Planning Statement | Appendix Ia |
| (c) Supplementary Information (SI) received on 24.6.2022 | Appendix Ib |

2. Justifications from the Applicant

The justifications put forth by the Applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

- (a) 6 previous applications were approved by the Board for the same or similar use at the Site. Compared with the last application No. A/HSK/135, the current application has a similar layout with a larger area due to minor adjustment to the site boundary. All the approval conditions have been complied with. The existing facilities including the drainage facilities and the fire service installations will be maintained. Approval of the applied use would not result in additional traffic, drainage and environmental impacts.
- (b) The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F) is applicable to the applied use. All time-limited approval conditions under the last approved application No. A/HSK/135 have been complied with. Sympathetic consideration should be given to the current application as the Site falls within the Hung Shui Kui/Ha Tsuen New Development Area (HSK/HT NDA) and is not required for the implementation of the HSK/HT NDA at this stage.
- (c) The applied use is compatible with the surrounding area which comprises public vehicle parks, open storage and port back-up uses. The Board has approved numerous similar applications in the vicinity and therefore similar treatment to the current application is requested.

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 Ha Tsuen Rural Committee and Ping Shan Rural Committee. 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 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 any active planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in 6 previous applications (No. A/YL-HT/480, 569, 761, 935 and 994 and A/HSK/135) for various open storage of containers, logistics centre and warehouse uses. All the applications were approved by the Committee between 2007 and 2019 on the considerations that approval of the applications would not jeopardize the long-term development of the site; the applied uses were not incompatible with the surrounding areas; the applied uses were generally in line with the then TPB PG-No.13; and there were no major adverse comments from concerned government departments. However, the planning permissions under applications No. A/YL-HT/480 and 935 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-1b**.
- 6.2 The last application No. A/HSK/135 for the same applied use under the current application was approved by the Committee on 12.4.2019 for a period of 3 years. All the time-limited approval conditions had been complied with. The planning permission lapsed on 12.4.2022. Compared with the last approved application, the current application is submitted by a different applicant for the same use at the same site with a similar layout.

7. Similar Applications

There are 16 similar applications (No. A/HSK/16, 47, 48, 63, 85, 86, 94, 99, 179, 207, 219, 232, 264, 295, 312 and 316) for various temporary open storage, logistics centre and warehouse uses within the same "R(A)3" zone in the last 5 years. All applications were approved with conditions by the Committee based on similar considerations as mentioned in paragraph 6.1 above. 8 permissions of these applications 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**.

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

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 immediate north is an open storage yard of containers and container vehicle park under valid planning permission. Further north are some residential dwellings (the nearest one is about 75m away);
- (b) to its east are an open storage yard of construction machinery which is a suspected unauthorized development (UD), an open storage yard of construction materials under valid planning permission and a warehouse;
- (c) to its south are 2 logistics centres (one under valid planning permission and one being a suspected UD); and
- (d) to its west is a logistics centre and open storage yard of containers under valid planning permission.

9. Planning Intention

The planning intention of the “R(A)3” zone is primarily for high-density residential developments.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment 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.

10.2 The following government department does not support the application.

Environment

10.2.1 Comment of the Director of Environmental Protection (DEP):

- (a) he does not support the application because there are sensitive users in vicinity of the site (the closest residential dwelling being about 75m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) no environmental complaints pertaining to the Site were received in the past 3 years; and
- (c) his other advisory comments are provided in the Recommended Advisory Clauses in **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 5.7.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received (**Appendix VI**) objecting to the application on the grounds that the applied use will increase traffic flow and cause traffic congestion, generate environmental nuisances and pose fire safety hazards to the villagers and adversely affect their living quality.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of containers and logistics centre for a period of 3 years at the Site mainly zoned “R(A)3” (95.5%) with minor encroachment onto the “G/IC” zone (3%) and area shown as ‘Road’ (1.5%) on the OZP. The planning intention of the “R(A)3” zone is primarily for high-density residential developments. Whilst the applied use is not in line with the planning intention of the “R(A)3” zone, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) has no objection to the temporary use for a period of 3 years on 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 considered not incompatible with the surrounding land uses which are predominantly used for open storage yards and logistics centres (**Plan A-2**).
- 12.3 The applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and 6 previous planning approvals for various open storage of containers, logistics centre and warehouse uses were given. In the last approved previous application (No. A/HSK/135), all approval conditions have been complied with. Compared with the last approved application, the current application is submitted by a different applicant for the same use at the same site with a similar layout. The submitted fire service installations (FSI) proposal under the current application is also considered acceptable by Fire Services Department. In this regard, sympathetic consideration may be given to the application.
- 12.4 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 75m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Thus, environmental nuisance is expected. However, there was no environmental complaint pertaining to the Site received in the past 3 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.

- 12.5 In addition to 6 previous planning approvals for various open storage of containers, logistics centre and/or warehouse uses at the Site (**Plan A-1b**), there are 16 similar approvals for various temporary open storage, logistics centre and/or warehouse uses within the same "R(A)3" zone on the OZP (**Plan A-1a**). Approval of the subject application is generally in line with the Committee's previous decisions.
- 12.6 One public comment objecting to 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 on paragraph 11, the Planning Department considers that the temporary open storage of containers and 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 **12.8.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the Site during the 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) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 **12.11.2022**;
- (e) the implementation of the accepted fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.5.2023**;
- (f) if any of the above planning condition (a), (b) or (c) 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
- (g) if any of the above planning condition (d) or (e) 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 reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intention of the "R(A)3" zone which is primarily for high-density residential developments. 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 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 22.6.2022
Appendix Ia	Supplementary Planning Statement
Appendix Ib	SI received on 24.6.2022
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 Layout Plan
Drawing A-2	Proposed Drainage Plan
Drawings A-3 to A-5	Proposed FSIs Plans
Drawing A-6	Proposed Landscape 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2022**