

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/413**

- Applicant** : Ka Hung Investment Limited (嘉洪投資有限公司) represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 18,288m<sup>2</sup>
- 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** : (i) “Open Space” (about 45%);  
(ii) “Residential (Group B) 1” (about 24%); and  
*[Restricted to a maximum plot ratio of 3.5 and a maximum building height of 90mPD ]*  
(iii) Area shown as ‘Road’ (about 31%)
- Application** : Temporary Logistics Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary logistics centre for a period of three years at the application site (the Site) (**Plan A-1**). 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 except those specified require planning permission from the Board. The Site is currently used for the applied use with a valid planning permission (**Plans A-2 and A-4b**).
- 1.2 The Site is accessible from Lau Fau Shan Road via a local track and the ingress/egress point at the northern corner of the Site (**Plans A-2 and A-3**). According to the applicant, there is a single-storey temporary structure (not more than 13m high) with a floor area of not more than 11,790m<sup>2</sup> for logistics centre at the major portion of the Site. There are nine other temporary structures (1 to 2

storeys, not more than 3m to 8m high) with a total floor area of about 898m<sup>2</sup> for site office, guard room, electricity meter room, pump room and water tank, staff restroom, open shed and toilet uses. Six loading/unloading bays for container trailers/tractors and six for medium/heavy goods vehicles are provided (**Drawing A-2**). The operation hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the vehicular access leading to the Site, site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in two previous planning applications (details at paragraph 6 below).
- 1.4 A comparison of the major development parameters of the last approved application and the current application is summarised as follows:

| <b>Major Development Parameters</b> | <b>Last Approved Application (A/HSK/245) (a)</b>  | <b>Current Application (A/HSK/413) (b)</b>  | <b>Difference (b) – (a)</b>                           |
|-------------------------------------|---|---|---|
| Applied Use                         | Temporary Logistics Centre for a Period of 3 Years  |   | <b>No change</b>                                      |
| Site Area                           | About 18,288m <sup>2</sup>  |   | <b>No change</b>                                      |
| Total Floor Area                    | About 12,478m <sup>2</sup>  | About 12,688m <sup>2</sup>  | <b>+210m<sup>2</sup></b>                              |
| No. of Structures                   | 9<br>(logistics centre, site office, guard room, electricity meter room, pump room and water tank, staff restroom and toilet) | 10<br>(logistics centre, site office, guard room, electricity meter room, pump room and water tank, staff restroom, open shed and toilet) | <b>Additional structure for open shed for storage</b> |
| Building Height                     | Not more than 13m   |   | <b>No change</b>                                      |
| No. of Loading/Unloading Bay        | 6 for container trailers/tractors<br>6 for medium/heavy goods vehicles  |   | <b>No change</b>                                      |
| Operation Hours                     | from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays                           |   | <b>No change</b>                                      |

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (**Appendix I**) 22.9.2022
- (b) Supplementary Information (SI) received on 28.9.2022 (**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 summarised as follows:

- (a) Two previous applications have been approved by the Board since 2017 for the

same applied use at the Site. Sympathetic consideration should be given to the current application.

- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F).
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the zones.
- (d) The adjoining areas are occupied for open storage and port back-up uses which make the applied use not incompatible with the surrounding environment. Most of them were granted with planning permissions. The planning circumstances of the current application are similar to that of the adjacent planning permissions for open storage and port back-up uses.
- (e) The applied use is intended to serve the daily provisions of Hong Kong. There is inadequate conventional godown and industrial building to cater for the applied use.
- (f) The impacts on the environment, traffic and drainage are expected to be insignificant.

### **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 publishing notices in local newspapers. 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 TPB PG-No. 13F. The Site falls within the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extracts of the Guidelines are at **Appendix II**.

### **5. Background**

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

### **6. Previous Applications**

- 6.1 The Site is the subject of two previous applications (No. A/YL-HT/1062 and A/HSK/245) for temporary logistics centre. Both applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) in 2017 and 2020 respectively on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines TPB PG-No. 13 and no major adverse comments from concerned government departments. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

- 6.2 The last application No. A/HSK/245 for temporary logistics centre was approved with conditions by the Committee on 18.9.2020 for a period of three years with validity up to 18.9.2023. The time-limited approval condition on the submission of condition record of the drainage facilities has been complied with. However, the other two conditions regarding the submission and the implementation of the FSIs proposal have not yet been complied with. Compared with the last approved application, the current application is submitted by the same applicant for the same use at the same site with a similar layout.

## **7. Similar Applications**

There are 16 similar applications (No. A/HSK/5, 7, 50, 59, 108, 145, 156, 160, 216, 249, 283, 305, 321, 338, 389 and 391) for temporary logistics centre within/straddling the subject “O” and “R(B)1” zones in the past five years. 15 of these applications were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. Eight of them were subsequently revoked due to non-compliance with time-limited approval conditions. The remaining application No. A/HSK/249 was rejected by the Committee in 2020 on the consideration that approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Lau Fau Shan Road via a local track; and
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north are two logistics centres under valid planning permissions. To its further northeast across Lau Fau Shan Road are a cluster of residential dwellings (the closest one being about 47m away);
- (b) to its east are two vehicle service centres under valid planning permissions and a canteen;
- (c) to its south and southeast are two warehouses (one being a suspected unauthorized developments (UD) and one with valid planning permission), a logistics centre under valid planning permission, two vehicle repair workshops, an open storage yard and a storage facility which are suspected UD; and
- (d) to its west and southwest are a logistics centre and a vehicle repair workshop which are suspected UD and some parking of vehicles.

## **9. Planning Intentions**

The planning intention of the “O” zone is intended 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, whereas that of the “R(B)1” zone is intended primarily for medium-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 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application because there are sensitive receivers of residential use in the vicinity of the Site (the closest residential dwelling being about 47m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) no environmental complaint pertaining to the Site was received in the past 3 years; and
- (c) his other advisory comments are provided in the Recommended Advisory Clauses in **Appendix V**.

## **11. Public Comments Received During the Statutory Publication Period**

On 30.9.2022, 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 (**Appendices VI-1 and VI-2**) objecting to the application on the grounds that the applied use will cause environmental nuisance, pose fire safety hazard and adversely affect the safety and living quality of local villagers. One commenter expresses concern that the approval conditions of the last application have not yet been complied with.

## **12. Planning Considerations and Assessments**

12.1 The application is for temporary logistics centre for a period of three years at the Site straddling over “O” (about 45%) and “R(B)1” (about 24%) zones and an area shown as ‘Road’ (about 31%) on the OZP. Whilst the proposed use is not in line with the planning intentions of the “O” and “R(B)1” zones, the Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD) and the Director of Leisure and Cultural Services (DLCS) have no objection to the application. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Nonetheless, 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 considered not incompatible with the surrounding areas which are predominately used for logistics centres, warehouses and workshops with some of them covered by valid planning permissions (**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 two previous planning approvals for temporary logistics centre were given. For the previous approved application No. A/HSK/245 which is still valid, one of the three time-limited approval conditions regarding the submission of condition record of the drainage facilities had been complied with and efforts had been made to comply with the remaining conditions on the submission and implementation of FSIs proposal. The applicant has submitted a FSIs proposal in support of the current application which is considered acceptable by the Director of Fire Services. 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 47m away) (**Plan A-2**), and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected. However, there was no environmental complaint pertaining to the Site received in the past three years. To address the concerns on the possible environmental nuisances or the technical requirements of the other concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. 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 There are 15 similar approvals for logistics centre use within/straddling the same "O" and "R(B)1" zones on the OZP (**Plan A-1**). Approval of the subject application is generally in line with the Committee's previous decisions.
- 12.6 Two public comments objecting to or expressing concerns on the application were received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above 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 above, 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 three years until **11.11.2025**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the existing drainage facilities 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 **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 **11.2.2023**;
- (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 **11.8.2023**;
- (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 use is not in line with the planning intentions of the "O" and "R(B)1" zones which are 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 and for medium-density residential developments. 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**  
**Appendix Ia**

Application Form with Attachments received on 22.9.2022  
SI received on 28.9.2022

|                                 |   |
|---------------------------------|---|
| <b>Appendix II</b>              | Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F) |
| <b>Appendix III</b>             | Previous and Similar Applications   |
| <b>Appendix IV</b>              | Government Departments' General Comments  |
| <b>Appendix V</b>               | Recommended Advisory Clauses  |
| <b>Appendices VI-1 and VI-2</b> | Public Comments   |
| <b>Drawing A-1</b>              | Location Plan   |
| <b>Drawing A-2</b>              | Proposed Layout Plan  |
| <b>Drawing A-3</b>              | As-built Drainage Plan  |
| <b>Drawing A-4</b>              | Fire Service Installations Plan   |
| <b>Plan A-1</b>                 | Location Plan with Previous and Similar Applications  |
| <b>Plan A-2</b>                 | Site Plan   |
| <b>Plan A-3</b>                 | Aerial Photo  |
| <b>Plans A-4a to A-4b</b>       | Site Photos   |

**PLANNING DEPARTMENT  
NOVEMBER 2022**