

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

APPLICATION NO. A/HSK/421

- Applicant** : Ocean First Logistics Limited (海暉物流有限公司) represented by Miss HUI Hang Yu (許幸如)
- Site** : Lots 1816, 1817, 1818, 1819(Part), 1820, 1821, 1822, 1823, 1824 S.B RP(Part) and 1825(Part) in D.D.125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 6,432.3m² (including GL of about 278m² or 4.3%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : (i) “Government, Institution or Community” (“G/IC”) (about 83.7%)
[Restricted to maximum building height (BH) of 8 storeys]
- (ii) “Open Space” (“O”) (about 3.6%);
- (iii) “Residential (Group A) 3” (“R(A)3”) (about 3.1%); and
[Restricted to maximum plot ratio of 5.5 and maximum BH of 140mPD]
- (iv) area shown as ‘Road’ (about 9.6%)
- Application** : Proposed Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Container Tractors for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of container tractors for a period of three years at the application site (the Site) (**Plan A-1a**). 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 concerned zones requires planning permission from the Town Planning Board (the Board). 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 open storage of containers without valid planning permission.

- 1.2 The Site is accessible from Ping Ha Road via a local track, and the ingress/egress points are at the eastern and western parts of the Site (**Plans A-2 and A-3**). According to the applicant, there would be two single-storey temporary structures for rain shelter and electricity meter room uses (about 3m and 6m high) with a total floor area of 234.9m². Three parking spaces for private cars and five loading/unloading bays for container trailers would be provided. The Site would be divided into four sub-areas for open storage of containers (stacking not exceeding eight units), logistics use, vehicle and container repair workshops and parking of container tractors respectively. The remaining areas would be used for vehicle manoeuvring (**Drawing A-1**). According to the applicant, the operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the site layout, proposed fire service installations and proposed drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in 12 previous planning applications (details at paragraph 6 below).
- 1.4 A comparison of the major development parameters of the last application No. A/HSK/187 approved by the Rural and New Town Planning Committee (the Committee) on 18.10.2019 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/187) (a)	Current Application (A/HSK/421) (b)	Difference (b) – (a)
Applied Use	Proposed temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors		No change
Site Area	About 8,670m ²	About 6,432.3m ²	-2,237.7m²
Total Floor Area	About 94m ²	About 234.9m ²	+140.9m²
No. of Structures	1 (ancillary office)	2 (rain shelter and electricity meter room)	+1
Building Height	About 7m (2 storeys)	About 3m and 6m high (1 storey)	-1 storey
No. of Private Car Parking Spaces	3 (2.5m x 5m)		No change
No. of Loading/Unloading Bay	5 for goods and container vehicles	5 for container trailers (16m x 3.5m)	No change
Operation Hours	from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, 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 attachments received on **(Appendix I)**
1.11.2022

(b) Supplementary Information (SI) received on 3.11.2022 (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) All the approval conditions in the last application have been complied with. The applicant pledges to provide good management to the existing drainage facilities, fire service installations facilities, landscape and fencing etc. to avoid mosquito and dumping/littering problems.
- (b) Similar applications for temporary open storage, warehouse and workshop uses within the subject “G/IC”, “O” and “R(A)3” zones were approved by the Board. The proposed use would be compatible with the surrounding areas.
- (c) The applicant pledges to follow the ‘Code of Practice on Handling the Environmental Aspects of temporary Uses and Open Storage Sites’ to minimise the possible environmental impacts. The proposed development is temporary in nature and easy to reinstate.
- (d) The proposed use is intended mainly for storage of containers and logistics operations. The applicant has obtained consent of the owner of the local track for using it as the vehicle access to 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 posting site notice and sending notice to Ha Tsuen Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the GL portion.

4. Town Planning Board Guidelines

On 27.3.2020, the Board promulgated the revised 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 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 12 previous applications (No. A/YL-HT/7, 22, 46, 188, 222, 379, 532, 717, 829 and 1047, and A/HSK/37 and 187) for various temporary

open storage, flea market and workshop uses covering different extents of the Site. Ten of these applications were approved with conditions by the Committee between 1996 and 2019 on the considerations that the applied/proposed 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. Amongst them, five planning permissions (No. A/YL-HT/7, 46, 829 and 1047 and A/HSK/37) were subsequently revoked due to non-compliance with time-limited approval conditions. Two remaining applications (No. A/YL-HT/22 and 188) for temporary open storage of containers with repair workshop and temporary flea market were rejected by the Committee in 1996 and 2001 respectively due to insufficient information to demonstrate no adverse impacts on the surrounding areas and setting of an undesirable precedent. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

- 6.2 The last application No. A/HSK/187 was approved with conditions by the Committee on 18.10.2019 for a period of three years. All time-limited approval conditions have been complied with. Compared with the last approved application, the current application is submitted by the same applicant for the same use with a different layout at a smaller site.

7. Similar Applications

There are four similar applications (No. A/HSK/126, 165, 181 and 340) for temporary open storage with/without vehicles inspection and repairing workshop within/straddling the subject “O” zone in the past five years. All of them were approved with conditions by the Committee on similar considerations as mentioned in paragraph 6.1 above. One of them was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** 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) accessible from Ping Ha Road via a local track; and
- (b) currently used for the open storage of containers without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are a logistics centre and an open storage yard which are suspected unauthorized developments (UDs), an open storage yard and public vehicle park under valid planning permissions;
- (b) to its east is an open storage yard which is a suspected UD;
- (c) to its south and southeast are two logistics centres and three warehouses under valid planning permissions and an open storage yard which is a suspected UD; and

(d) to its west is a petrol filling station which is a suspected UD.

9. Planning Intentions

- 9.1 The planning intention of the “G/IC” zone is intended 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.
- 9.2 The area shown as ‘Road’ is intended for road use.

10. Comments from Relevant Government Departments

All 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.

11. Public Comment Received During the Statutory Publication Period

On 8.11.2022, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of container tractors for a period of three years at the Site straddling over “G/IC” zone and area shown as ‘Road’ with minor encroachment onto the adjoining “O” and “R(A)3” zones on the OZP. Whilst the proposed use is not in line with the planning intention of the “G/IC” zone, the Project Manager (West), Civil Engineering and Development Department has 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. 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 proposed use is considered not incompatible with the surrounding areas which are predominately used for open storage yards, warehouses and logistic centres with some of them covered by valid planning permissions (**Plan A-2**).
- 12.3 The proposed use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and 10 previous planning approvals had been granted. The current application is submitted by the same applicant for the same use at a smaller site with a different layout, as compared with the last approved application No. A/HSK/187. All time-limited conditions attached to the last approved application have been complied with. In this regard, sympathetic consideration may be given to the application.
- 12.4 There is no adverse comment from the concerned government departments, including Director of Environmental Protection, Commissioner for Transport,

Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, on the application. The proposed use would unlikely cause significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding area. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.

- 12.5 No public comment on the application was received during the statutory public inspection period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of container tractors 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 **23.12.2025**. 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 **23.3.2023**;
- (c) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **3.2.2023**;
- (d) the submission of a fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **23.6.2023**;
- (e) in relation to (d) above, the implementation of the 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 **23.9.2023**;
- (f) 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
- (g) if any of the above planning condition (b), (c), (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 reason for rejection is suggested for Members' reference:

the proposed 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.

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 Attachments received on 1.11.2022
Appendix Ia	SI received on 3.11.2022
Appendix II	Relevant Extracts of TPB PG-No. 13F
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' by the Fire Services Department
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Fire Service Installations Plan
Drawing A-3	Proposed 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 A4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2022**