

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

**APPLICATION NO. A/HSK/432**

- Applicant** : 黃震邦先生 represented by Miss HUI Hang Yu (許幸如)
- Site** : Lots 2186 (Part), 2187 RP (Part), 2381 RP (Part), 2382 (Part), 2384 S.A (Part) and 2384 S.B (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,955 m<sup>2</sup>
- 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) “Commercial (5)” (“C(5)”) (about 88%); and  
*[Restricted to a maximum plot ratio of 1.5 and a maximum building height of 40mPD]*  
  
(ii) “Open Space” (“O”) (about 12%)
- Application** : Proposed Temporary Logistic Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary logistics centre for a period of three years at the application site (the Site) mainly zoned “C(5)” and partly “O” on the OZP (**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 aforementioned zones requires planning permission from the Town Planning Board (the Board). The Site is currently used for warehouse and open storage of recycling materials without valid planning permission.
- 1.2 The Site is accessible from Lau Fau Shan Road via a local track, and the ingress/egress point is at the eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, there will be a single-storey temporary structure (about 10m high) with a floor area of about 2,090m<sup>2</sup> for logistics centre at the major portion of the Site. There will also be five other temporary structures (1 to 2 storeys, about 3m to 6m high) with a total floor area of 55m<sup>2</sup> for office, pump room, electricity meter room and toilet uses. One parking space for private cars and three loading/unloading bays for container vehicles (16m x 3.5m) will be provided

**(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. The proposed layout submitted by the applicant is at **Drawing A-1.**

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

- (a) Application Form with attachments received on **(Appendix I)**  
15.2.2023
- (b) Further Information (FI) received on 2.3.2023 **(Appendix Ia)**  
*[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 and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) Planning permissions for temporary open storage, warehouse, container vehicle park and logistics centre uses were granted in the vicinity of the Site. The proposed use would be compatible with the surrounding areas.
- (b) The proposed use is intended mainly for packaging and consolidation of goods for distribution. No dangerous goods or hazardous waste will be stored at the Site. The proposed use is temporary in nature and the Site is easy to be reinstated. The long-term use of the Site will not be jeopardised.
- (c) The applicant will follow ‘the Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’. No adverse traffic and environmental impacts are anticipated.

## **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.

## **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 A small part of the Site (about 4%) is involved in three previous applications (No. A/YL-HT/215, 361 and 515) for temporary open storage, logistic centre and container vehicle park with ancillary vehicle repair workshop. Applications No. A/YL-HT/361 and 515 for temporary logistic centre, container vehicle park and open storage with ancillary vehicle repair workshop were approved with conditions by the Committee on 2004 and 2007 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 No. 13 and no major adverse comments from concerned government departments. However, planning permission for application No. A/YL-HT/515 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-1b**.
- 6.2 The earlier previous application No. A/YL-HT/215 for temporary open storage of construction materials was rejected by the Committee in 2001 due to possible environmental impacts on the surrounding areas.

## **7. Similar Applications**

There are 14 similar applications (No. A/HSK/59, 108, 145, 160, 216, 245, 249, 283, 305, 321, 338, 389, 391 and 413) for temporary logistics centre within/straddling the subject "O" zone in the past five years. 13 of them were approved with conditions by the Committee between 2018 and 2022 on similar considerations as mentioned in paragraph 6.1 above. Application No. A/HSK/249 was rejected by the Committee in 2020 due to repeated revocations. 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 Lau Fau Shan Road via a local track; and
  - (b) currently used for warehouse and open storage of recycling materials without valid planning permission.
- 8.2 The surrounding areas have the following characteristics:
- (a) to its immediate north is a site for parking of vehicles and open storage purposes which is a suspected unauthorized development (UD). To its further north and northeast across Lau Fau Shan Road are two logistics centres, some parking of vehicles and open storage yards under valid planning permissions and a warehouse which is a suspected UD;
  - (b) to its southeast is a warehouse under valid planning permission. To its further east across Lau Fau Shan Road is a vacant temporary structure;
  - (c) to its south are a warehouse which is a suspected UD and an open storage yard under valid planning permission. To its further southwest across Deep Bay

Road are an open storage yard which is a suspected UD, three sites for storage and car parking purposes respectively and some unused land; and

- (d) to its west and northwest are some parking of vehicles and two open storage yards which are suspected UDs, a telephone exchange, a refuse collection point and some unused land. To its further west and northwest across Deep Bay Road is a residential estate (Deep Bay Grove) (about 49m away) and a cluster of residential dwellings, a storage yard which is a suspected UD and some parking of vehicles.

## **9. Planning Intentions**

- 9.1 The planning intention of the “C” zone is intended primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre.
- 9.2 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.

## **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 49m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected; and
- (b) no environmental complaint pertaining to the Site was received in the past three years.

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

On 24.2.2023, the application was published for public inspection. During the statutory public inspection period, four public comments from individuals were received (**Appendices VI-1 to VI-4**), including one expressing concern that the proposed use is not in line with the planning intentions of the Site and three objecting to the application mainly on the grounds that the proposed use is not in line with the planning intentions

and would have adverse impacts on traffic and living quality; and the application involves occupation of land without permission of the landowners.

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

- 12.1 The application is for proposed temporary logistics centre for a period of three years at the Site mainly zoned “C(5)” and partly “O” on the OZP. Whilst the proposed use is not in line with the planning intentions of the “C(5)” and “O” zones, the Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services 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. 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 predominantly 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 has been used for storage and open storage purposes since the first gazettal of the relevant statutory town plan covering the Site in 1990. Sympathetic consideration may be given to the application for continued operation of open storage and/or port back-up uses at the Site before it is required for NDA development. In addition, there are 13 similar approvals for temporary logistics centre use within/straddling the subject “O” zone on the OZP (**Plan A-1a**) between 2018 and 2022. Approval of the current application is generally in line with the Committee’s previous decisions.
- 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 49m away across Deep Bay Road to the west) (**Plan A-2**), and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected. To address the concerns on the possible environmental nuisances, should the application be approved, the applicant will 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. To address the technical requirements of the other concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Four public comments objecting to or expressing concerns on the application were received during the statutory public inspection period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant. Regarding the two public comments raising objection based on occupation of private land without their consent, the applicant will be advised to resolve any land issues with the concerned landowners of the Site should the application be approved.

### **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 proposed 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 **31.3.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) the submission of a drainage proposal 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 **30.9.2023**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **31.12.2023**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (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 **30.9.2023**;
- (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 **31.12.2023**;
- (f) if the above planning condition (c) is not complied with during the planning 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 (a), (b), (d) or (e) is not complied with by the 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 intentions of the "C(5)" and "O" zones which are primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre and 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. 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**

<b>Appendix I</b>	Application Form with Attachments received on 15.2.2023
<b>Appendix Ia</b>	FI received on 2.3.2023
<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 to VI-4</b>	Public Comments
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<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  
MARCH 2023**