

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

APPLICATION NO. A/HSK/436

- Applicant** : Pronto Star Limited represented by PlanArch Consultants Ltd.
- Site** : Lots 462 RP (Part), 768 RP (Part), 770 (Part), 796 (Part), 797 (Part), 798 (Part), 799 RP (Part), 803 (Part) and 804 (Part) in D.D. 124 and Adjoining Government Land (GL), Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 5,300m² (including GL of about 145m² or 2.7%)
- 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
- Zoning** : “Government, Institution or Community” (“G/IC”)
[Restricted to a maximum building height (BH) of 80mPD]
- Application** : Proposed Temporary Logistics Centre with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary logistics centre with ancillary office for a period of three years at the application site (the Site) (**Plan A-1**). The Site is zoned “G/IC” 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 zone requires planning permission from the Town Planning Board (the Board). The Site is occupied by four temporary structures, three of which are vacant and one used as warehouse (**Plan A-4a and b**).
- 1.2 The Site is accessible from Hung Chi Road via a local track with the ingress/egress point at the northeastern part of the Site (**Plan A-2 and A-3**). As shown on the layout plan at **Drawing A-1**, there will be four one to two-storey temporary structures (about 5 to 7m high with a total floor area of about 2,605m²) for logistics centre, three of which are provided with ancillary office, and fire service pump room uses; and four single-storey structures (about 2.5m high with a total floor area of about 18m²) for electricity meter room and toilet purposes. The Site will provide three parking spaces for private cars, two loading/unloading (L/UL) spaces for heavy goods vehicles (HGV) and five L/UL spaces for container vehicles.

According to the applicant, the operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There will be no operation on Sundays and public holidays.

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

- (a) Application Form received on 20.2.2023 (Appendix I)
- (b) Supporting Planning Statement (Appendix Ia)
- (c) Further Information (FI) received on 31.3.2023 (Appendix Ib)
[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 Supporting Planning Statement and FI at **Appendices Ia and Ib**. They can be summarised as follows:

- (a) The Site falls within the Remaining Phase development of the HSK/HT New Development Area (NDA) with no specific implementation programme. The proposed use is temporary in nature that would not jeopardise the long-term development of the area. It could cater for the reprovisioning of operations displaced by the land resumption and clearance exercise under various NDAs in the New Territories.
- (b) The Site was previously zoned “Industrial (Group D)” (“I(D)”) until gazettal of the draft HSK and HT OZP No. S/HSK/1 in 2017 and had been paved and used for workshop and storage purposes since 1997. The Site is compatible with the surrounding areas which are mainly used for open storage yards, warehouses and logistics centres.
- (c) The proposed use will not create adverse visual, traffic, environmental and drainage impacts on the surrounding areas. The Site is located at a convenient location well served by road transport. Adequate manoeuvring spaces are reserved within the Site and there will be no queueing or waiting on public road. The Site is equipped with drainage facilities connecting to the public drainage system. Existing plantings along the boundary of the Site will be well-maintained.
- (d) The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department (EPD) to minimise all possible 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 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 TPG PG-No.31A are not applicable to the GL portion.

4. Town Planning Board Guidelines

On 14.4.2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). The Site falls within HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

5.1 The Site had been zoned “I(D)” on the Ping Shan OZP since 14.6.1996. According to the Notes of the “I(D)” zone under the approved Ping Shan OZP No. S/YL-PS/16 published on 2.6.2015, the “I(D)” zone is intended primarily for industrial uses that cannot be accommodated in conventional flattened factories due to extensive land and/or high ceiling requirements, and ‘Industrial Use’, ‘Open Storage’, ‘Rural Workshop’ and ‘Warehouse’ uses are always permitted. The Site was rezoned to “G/IC” on the draft HSK and HT OZP No. S/HSK/1 published on 26.5.2017.

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

6. Previous Applications

Part of the Site is the subject of three previous applications (No. A/YL-PS/6, 36 and 38) for metalware workshop, concrete batching plant and temporary open storage of containers, container trailer park and vehicle repair workshop uses respectively. Two of these applications (No. A/YL-PS/6 and 36) were approved by the Rural and New Town Planning Committee (the Committee) in 1997 and 1998 on the considerations that the applied uses were in line with the planning intention of the then “I(D)” zone¹ and not incompatible with the surrounding areas. The last application (No. A/YL-PS/38) for temporary open storage of container, container trailer park, container and container trailer/heavy vehicle repair workshop, which covered a small part of the Site, was rejected by the Committee in 1998 on the grounds that the applied use was not in line with the then TPB PG-No. 13; not compatible with the surrounding areas; possible adverse environmental and traffic impacts; and setting of undesirable precedent. Details of the previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Application

There is no similar application within the same “G/IC” zone on the OZP.

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

8.1 The Site is:

¹ The sites were zoned “I(D)” on the then draft Ping Shan OZP No. S/YL-PS/1 and 2 at the time of consideration of the applications.

- (a) accessible from Hung Chi Road via a local track; and
- (b) occupied by four temporary structures, three of which are vacant and one used as warehouse.

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northeast are some residential dwellings (the nearest one abuts the Site), vacant land, storage and open storage yards and a vehicle repair workshop which are all suspected unauthorized developments (UDs) subject to planning enforcement action;
- (b) to its east are a warehouse which is a suspected UD, vacant land and a concrete batching plant under valid planning permission;
- (c) to its immediate south are some residential dwellings and a piece of unused land. To its southeast are a logistics centre and an office which are suspected UD; and
- (d) to its west is a nullah and Hung Tin Road.

9. Planning Intentions

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.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments as set out in paragraph 10.2 below, other 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.

10.2 The following government departments have adverse comment on the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots (OSAL) held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) he has grave concerns given that there are unauthorised building works and/or uses on Lot No. 462 RP in D.D. 124 which is already subject to lease enforcement actions according to case priority. The

lot owner(s) should remedy the lease breaches as demanded by LandsD; and

- (c) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.

Environment

10.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling abuts the Site) (**Plan A-2**) and the use of heavy vehicles is involved. Therefore, environmental nuisance is expected; and
- (b) there was no environmental complaint pertaining to the Site received in the past three years.

11. Public Comment Received During Statutory Publication Period

On 3.3.2023, 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**) questioning on when the Site would be developed for community use.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary logistics centre with ancillary office for a period of three years at the Site which is zoned “G/IC” on the OZP. Whilst the applied 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 proposed temporary use at the Site. In this regard, approval of the application on a temporary basis of three years will 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 the implementation of government projects.
- 12.2 The Site is situated aside Hung Tin Road, predominated by storage and open storage yards, warehouses, concrete batching plant and workshops intermixed with some residential dwellings. The applied use is considered not incompatible with the surrounding land uses (**Plan A-2**).
- 12.3 The applied use is generally in line with the TPB PG-No. 13G in that the Site falls within HSK/HT NDA and has been used for storage purpose permitted under the “I(D)” zone of the then Ping Shan OZP covering the Site before it was rezoned to “G/IC” on the HSK and HT OZP in 2017. Comparing with the Planning Department’s information, the extent and number of structures for the proposed use in the current application are similar to those previously used for storage purpose in 2017. As such, sympathetic consideration may be given to the application.

- 12.4 There is no adverse comment from the concerned government departments, except DLO/YL, LandsD and DEP. DLO/YL expresses concern on the application as there are unauthorised building works at the Site. In this regard, the lot owner(s) should remedy the lease breaches as demanded by LandsD or apply to LandsD to permit the structures to be erected or regularise any irregularity. DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being abutted the Site), and the applied use involves the use of heavy vehicles. Environmental nuisance is expected (**Plan A-2**). To minimize any possible environmental impacts and nuisance on the surrounding developments, and to address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to planning enforcement action. Should the application be approved, the applicant will be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 12.5 There is a public comment received during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.4 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 comment mentioned in paragraph 11, the Planning Department considers that the proposed temporary logistics centre with ancillary office 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 **21.4.2026**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 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 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 **21.10.2023**;
- (d) in relation to (c) 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 **21.1.2024**;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (f) 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 **21.10.2023**;
- (e) in relation to (f) 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 **21.1.2024**;
- (f) if any of the above planning condition (a), (b) or (e) 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 the above planning condition (c), (d), (f) or (g) 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 "G/IC" zone which is the 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 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 24.2.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 31.3.2023
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix VI	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment

Drawing A-1

Plan A-1

Plan A-2

Plan A-3

Plans A-4a and A-4b

Proposed Layout Plan

Location Plan with Previous Applications

Site Plan

Aerial Photo

Site Photos

PLANNING DEPARTMENT
APRIL 2023