

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/439

- Applicant** : Mr. WONG Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Various Lots in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 6,500m²
- 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) “Residential (Group B)2” (“R(B)2”) (about 82%); and
[restricted to a maximum plot ratio of 2.5 and a maximum building height (BH) of 60mPD]
(ii) “Open Space” (“O”) (about 18%)
- Application** : Temporary Logistics Centre with Ancillary Staff Canteen for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre with ancillary staff canteen for a period of three years at the application site (the Site) (**Plan A-1a**). The Site falls within an area partly zoned “R(B)2” and partly zoned “O” 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 concerned zones requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with 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 north eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, there is a temporary structure (not exceeding 13m) with a total floor area of not more than 7,717m² for logistics centre with site office at the cockloft at the major portion of the Site. There are two other temporary structures at the south eastern part of the Site for ancillary staff canteen, toilet, water tank and pump room uses (4.5m to 10m high) with a total floor area of not more than 520m².

Three loading/unloading bays for container trailers and medium/heavy goods vehicles (M/HGVs) are provided. According to the applicant, 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 access leading to the Site, the proposed layout, as-built drainage facilities and proposed fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in seven previous planning applications for various open storage or logistics centre uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2009 and 2022 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/389 approved by the Committee on 26.8.2022, the current application is submitted by the same applicant for the same use on the same site with a similar layout at the same site, except with the addition of a cockloft for ancillary office use. A comparison of the major development parameters of application No. A/HSK/389 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/389) (a)	Current Application (A/HSK/439) (b)	Difference (b) – (a)
Applied Use	Temporary logistics centre with ancillary staff canteen		No change
Site Area	About 6,500m ²		No change
Total Floor Area	Not more than 6,290 m ²	Not more than 8,237m ²	+1,947m²
No. of Structures	3 (logistics centre, water tank, pump room, site office and ancillary staff canteen and toilet)	3 (logistics centre and site office, water tank, pump room, site office and ancillary staff canteen and toilet)	No change in no. of structures but addition of a cockloft
Building Height	Not more than 13m (1 to 3 storeys)		No change
No. of Loading/Unloading Bay	1 for M/HGVs (11m x 3.5m) and 2 for container trailers (16m x 3.5m)		No change
Operation Hours	from 7:00 a.m. to 11:00 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 6.3.2023 **(Appendix I)**
- (b) Further Information (FI) received on 6.4.2023 **(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 at **Appendix I**. They can be summarised as follows:

- (a) Four previous applications for temporary logistics centre were approved by the Board at the Site. The current application is to include a cockloft in the main structure (Structure 1) for office use when compared with the last approved application No. A/HSK/389.
- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)¹. A revised FSI's proposal has been revised and submitted in support of the current application.
- (c) There is a shortage of land for port back-up uses in the area. The adjoining areas are occupied by open storage and port back-up uses, with most of them granted with planning permissions, which make the applied use not incompatible with the surrounding environment. The planning circumstances of the current application are similar to that of the adjacent approved open storage and port back-up uses.
- (d) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones.
- (e) The impacts on 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 sending notice to Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

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 Hung Shui Kiu/Ha Tsuen New Development Area (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 planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in seven previous applications (No. A/YL-HT/612, 785 and 953 and A/HSK/5, 50, 216 and 389) for various open storage or logistics centre uses covering different extents of the Site. All the applications were approved by

¹ TPB PG-No. 13G was promulgated by the Board on 14.4.2023. Details at paragraph 4 above.

the Committee between 2009 and 2022 on the similar considerations that the applied/proposed uses were not incompatible with the surrounding areas, generally in line with the 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/785 and 953 and A/HSK/5, 50 and 216) were 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 last application No. A/HSK/389 was approved by the Committee on 26.8.2022 for a period of three years with validity up to 26.8.2025. The time-limited approval conditions regarding the submission of condition record of the drainage facilities and the submission and implementation of the FSIs proposal have not yet been complied with.

7. Similar Applications

There are 12 similar applications (No. A/HSK/108, 145, 160, 245, 249, 283, 305, 321, 338, 391, 413 and 432) for temporary logistics centre with/without ancillary site office uses within/straddling the subject “R(B)2” and “O” zones in the past five years. 11 of them were approved with conditions by the Committee between 2018 and 2023 based on similar considerations as mentioned in paragraph 6.1 above. Three of the 11 planning approvals 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 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 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 a logistics centre which is a suspected unauthorized development (UD) and a car inspection center under valid planning permission;
- (b) to its east are a vehicle repair workshop which is a suspected UD and some residential dwellings (the nearest one being about 25m away). Further northeast across the Lau Fau Shan Road are some residential dwellings;
- (c) to its south and southeast are two logistics centres under valid planning permissions. Further southeast are some residential dwellings; and
- (d) to its northwest are two open storage yards under valid planning permissions.

9. Planning Intentions

The planning intention of the “R(B)2” zone is primarily for medium-density residential developments, whereas the one of the “O” zone is 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 users in the vicinity of the site (the closest residential dwelling being about 25m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected; and
- (b) no environmental complaints pertaining to the Site were received in the past three years.

11. Public Comment Received During Statutory Publication Period

On 14.3.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) objecting to the application on the grounds that the applicant should not be granted with another approval as the approval conditions under the previous application have not been all complied with.

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre with ancillary staff canteen for a period of three years at the Site partly zoned “R(B)2” and partly zoned “O” on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(B)2” and “O” zones, the Project Manager (West), Civil Engineering and Development Department and the 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 the implementation of government projects.

12.2 The applied use is not incompatible with the surrounding land uses which are

predominantly used for logistics centres, open storage yards and vehicle inspection centre with some of them covered by valid planning permission (**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 seven previous planning approvals for various open storage or logistics centre uses involving parts of the Site were granted. While the Site is covered by a valid planning permission under application No. A/HSK/389 up to 26.8.2025, the time-limited conditions regarding the submission of condition record of the drainage facilities and the submission and implementation of the FSIs proposal have not yet been complied with. The applicant has submitted a revised FSIs proposal in support of the current application, and the Director of Fire Services has no objection to the application. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration may not be given to any further applications.
- 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 25m 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 technical requirements of the concerned 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. 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 nearby sensitive receivers.
- 12.5 In addition to seven previous planning approvals for various open storage or logistics centre uses involving parts of the Site (**Plan A-1b**), there are 11 similar approvals for temporary logistics centre and/or ancillary site office uses within/straddling the subject "R(B)2" and "O" zones on the OZP (**Plan A-1a**). Approval of the current application is generally in line with the Committee's previous decisions.
- 12.6 A public comment objecting to the application was 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 comment mentioned on paragraph 11, the Planning Department considers that the temporary logistics centre with ancillary staff canteen 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 **5.5.2026**. The following conditions of approval and advisory clauses are also

suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. to 7:00 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 **5.8.2023**;
- (e) the submission of a revised 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 **5.11.2023**;
- (f) in relation to (e) above, the implementation of the revised 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 **5.2.2024**;
- (g) 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
- (h) if any of the above planning condition (d), (e) or (f) 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 "R(B)2" and "O" zones which are primarily for medium-density residential developments and for provision of outdoor open-air public space for active and/or passive recreational uses, respectively. There is no strong 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 6.3.2023
Appendix Ia	FI received on 6.4.2023
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs 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 to 4b	Site Photos

**PLANNING DEPARTMENT
MAY 2023**