

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/HSK/443

- Applicant** : Mr. Mok Wing-kin represented by Allgain Land Administrators (Hong Kong) Ltd.
- Site** : Lots 3150 RP (Part), 3151 RP (Part), 3152 RP (Part), 3162 RP, 3163 RP (Part), 3164 (Part), 3165, 3166, 3167 S.A (Part), 3168 (Part), 3169 (Part), 3177 (Part), 3178 (Part), 3179, 3180, 3181 S.A (Part), 3181 RP (Part), 3182, 3183 (Part), 3184 (Part), 3187 RP (Part) and 3188 RP (Part) in D.D.129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : About 9,800 m² (including about 229 m² of GL (about 2.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zoning** : (i) “Government, Institution or Community” (“G/IC”) (87%); and
[Restricted to a maximum building height (BH) of 50mPD]

(ii) area shown as ‘Road’ (about 13%)
- Application** : Renewal of Planning Approval for Temporary Logistics Centre and Ancillary Parking of Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary logistics centre and ancillary parking of vehicles for a period of three years (**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 zone requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 26.6.2023.
- 1.2 The Site is accessible from Ping Ha Road/Lau Fau Shan Road, and the ingress/egress point is at the western part of the Site (**Plans A-2 and A-3**). According to the applicant, the applied use and the layout are largely the same

comparing to the previously approved application (No.A/HSK/227), except the addition of a toilet and deletion of a backup generator. A single-storey temporary structure (not exceeding 7.62m high) with a floor area of about 5,491m² for logistics centre is located at the eastern portion of the Site. Nine other temporary structures (1 to 2 storeys, not exceeding 3m to 8m high) with a total floor area of about 390m² are used for site office, electrical meter room, water meter room, water tank, pump room, forklift parking and toilet uses. Five parking spaces for private cars, five parking spaces for medium/heavy goods vehicles and six parking spaces for container vehicles are provided. Two loading/unloading spaces for heavy goods vehicles (11m x 3.5m) are also provided (**Drawing A-2**). According to the applicant, the operation hours are from 7:00 am to 11:00 pm from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the 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 11 previous planning applications for temporary public vehicle park or logistics centre with ancillary parking of vehicle uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/227 approved by the Committee on 26.6.2020, the current application is submitted by the same applicant for the same use with a similar layout at the same site.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 27.3.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 31.3.2023 (**Appendix Ia**)
 - (c) SI received on 3.4.2023 (**Appendix Ib**)
 - (d) Further Information (FI) received on 9.5.2023 (**Appendix Ic**)
[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 Ic**. They can be summarised as follows:

- (a) A number of previous application for temporary public/container vehicle park or logistics centre with ancillary parking of vehicle uses have been approved by the Board since 2000 at the Site. All time-limited approval conditions for the previous application have been fulfilled. The current application is a renewal application to continue the applied use during the interim period before the Site is required for the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) development.
- (b) The adjoining areas are occupied by open storage and port back-up uses with most of them granted with planning permissions. The applied use is not incompatible

with the surrounding environment.

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 Ping Shan Rural Committee. 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

- 4.1 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 the HSK/HT NDA under the revised Guidelines. Relevant extracts of the Guidelines are attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in 11 previous applications (No. A/YL-HT/151, 291, 311, 431, 594, 701, 795, 866 and 1072 and A/HSK/40 and 277) for temporary public vehicle park or logistics centre with ancillary parking of vehicle uses covering different extents of the Site. All the applications were approved by the Committee between 2000 and 2020 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 the above, four applications (No. A/YL-HT/311, 701 and 1072 and A/HSK/40) were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1b**.
- 6.2 The last application (No. A/HSK/227) was approved with conditions by the Committee on 26.6.2020 for a period of three years with validity up to 26.6.2023. All time-limited approval conditions have been complied with.

7. Similar Applications

There are six similar applications (No. A/HSK/68, 94, 173, 307, 316 and 345) for temporary logistics centre with/without ancillary workshop uses within/straddling the subject “G/IC” zone in the past five years. All of them were approved with conditions by the Committee between 2018 and 2022 on considerations similar to those mentioned in paragraph 6.1 above. However, the planning permission of two applications were subsequently revoked due to non-compliance with approval conditions. Details of these applications are summarised at **Appendix IV** 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/Lau Fau Shan Road; and
- (b) currently used for the applied use with valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its immediate north is a vehicle repair workshop which is a suspected unauthorized development (UD). To its further north across Tin Wah Road are a cluster of residential dwellings;
- (b) to its immediate east are a vacant temporary structure and shrubland;
- (c) to its south and southwest are two logistics centres (one under valid planning permission and one being a suspected UD), a residential dwelling (about 32m away), and a shop and services which is a suspected UD; and
- (d) to its west is a car care services which is a suspected UD and Ping Ha Road/Lau Fau Shan Road.

9. Planning Intention

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 wider district, region or territory.

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 V** and **VI** 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 32m 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 the Statutory Publication Period

On 4.4.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VII**) expressing concern that the approval conditions under the previous application have not yet been complied with.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary logistics centre and ancillary parking of vehicles for a period of three years at the Site mainly zoned “G/IC” and partly shown as ‘Road’ 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 applied use is considered not incompatible with the surrounding areas which are predominately used for logistics centres and workshops 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. 13G in that the Site falls within the HSK/HT NDA and 11 previous planning approvals, including five for temporary logistics centre and ancillary parking of vehicles uses had been granted. As compared with the last approved application No. A/HSK/277, the current application is submitted by the same applicant for the same use with a similar layout at the same site. All time-limited conditions under the last planning permission have been complied with. In this regard, sympathetic consideration may be given to the application.
- 12.4 The application is considered also generally in line with TPB PG-No. 34D, in that there is no major change in planning circumstances. All approval conditions under the previous approval have been complied with. There is no adverse departmental comment, except from EPD, in the renewal application and the three-year approval period sought is of the same timeframe as the previous approval and is considered reasonable.

- 12.5 While DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 32m away), and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected (**Plan A-2**), there was no environmental complaint pertaining to the Site in the past three years. 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. To address the technical requirements of other concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.6 In addition to five previous planning approvals granted for temporary logistics centre and ancillary parking of vehicle uses (**Plan A-1b**), there are six similar approvals for temporary logistics centre with/without ancillary workshop uses within/straddling the subject "G/IC" zone on the OZP (**Plan A-1a**). Approval of the current application is generally in line with the Committee's previous decisions.
- 12.7 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 12.6 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 temporary logistics centre with ancillary parking of vehicles could be tolerated for a period of 3 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 **from 27.6.2023 until 26.6.2026**. 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 **27.9.2023**;
- (c) the existing fire service installations implemented on the Site shall be maintained at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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
- (e) if the above planning condition (b) 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.

[Approval conditions (a) and (b) are the same as those under the permission for application No. A/HSK/227; approval conditions on the submission and implementation of FSIs proposal under the permission for application No. A/HSK/227 are replaced by approval condition (c); and restrictions on operation hours and queuing back and reversing movement of vehicles and implementation of landscape proposal have been removed as per the latest practice.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix VI**.

- 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 wider district, region or 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 27.3.2023
Appendix Ia	SI received on 31.3.2023
Appendix Ib	SI received on 3.4.2023
Appendix Ic	FI received on 9.5.2023
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	Relevant Extracts of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D)
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	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 Layout 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 A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2023**