

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

**APPLICATION NO. A/HSK/450**

- Applicant** : Mr. WONG Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 2959 (Part), 2963 (Part), 3086 (Part), 3087 (Part), 3088 S.A, 3088 S.B (Part), 3089, 3090 and 3091 in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 4,220m<sup>2</sup> (including about 26m<sup>2</sup> of GL (about 0.6%))
- 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) “Government, Institution or Community” (“G/IC”) (about 95.1%); and  
*[restricted to a maximum building height (BH) of 8 storeys]*  
  
(ii) “Open Space” (“O”) (about 4.9%)<sup>1</sup>
- Application** : Temporary Logistics Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary logistics centre for a period of three years at the application site (the Site) zoned “G/IC” 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 at the Site 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 northern corner of the Site (**Plans A-2 and A-3**). According to the applicant, the existing two-storey temporary structure (not exceeding 13m high) with a total floor area of not more than 4,800m<sup>2</sup> is used for logistics centre. Three other temporary structures (not exceeding 3m to 5m high) with a total floor area of not more than 50m<sup>2</sup> at the north western part of the Site are used for guard room, toilet and pump room uses. Three loading/unloading bays for medium/heavy goods vehicles (M/HGVs) (11m x 3.5m) are provided.

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<sup>1</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

According to the applicant, the operation hours are from 7:00 a.m. to 9:00 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 11 previous planning applications for various open storage with/without ancillary workshop or logistics centre with/without ancillary office and parking of vehicles uses, of which ten were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1999 and 2021 while one application was rejected by the Committee in 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/283 approved by the Committee on 28.5.2021, the current application is submitted by the same applicant for the same use with a different layout at the same site. A comparison of the major development parameters of application No. A/HSK/283 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/283) (a)	Current Application (A/HSK/450) (b)	Difference (b) – (a)
Applied Use	Temporary logistics centre for a period of 3 years		<b>No change</b>
Site Area	About 4,220m <sup>2</sup>		<b>No change</b>
Total Floor Area	Not more than 2,590 m <sup>2</sup>	Not more than 4,850m <sup>2</sup>	<b>+2,260m<sup>2</sup></b>
No. of Structures	5 (logistics centre, guard room, toilet, electricity meter room, water tank and pump room)	4 (logistics centre, guard room, toilet and pump room)	<b>-1</b>
Building Height	Not more than 13m (1 storey)	Not more than 13m (1 to 2 storeys)	<b>+1 storey</b>
No. of Loading/Unloading Bay	3 for M/HGVs (11m x 3.5m)		<b>No change</b>
Operation Hours	from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		<b>No change</b>

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

- (a) Application Form with attachments received on 20.4.2023 (**Appendix I**)
- (b) Further Information (FI) received on 9.5.2023 (**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) Two previous applications for temporary logistics centre have been approved by the Board at the Site since 2018. The current application is to provide additional floor

space when compared with the last approved application No. A/HSK/283.

- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13).
- (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. The applied use is 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 zone.
- (e) The impacts on environment, traffic and drainage are expected to be insignificant. No recycling, cleaning, repairing, dismantling work and workshop activities would be carried out at 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 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**

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 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 11 previous applications for various temporary open storage with/without ancillary workshop, or logistics centre with/without ancillary office and parking of vehicles uses for a period of three years covering different extents of the Site. Amongst them, ten applications (No. A/YL-HT/99, 166, 268, 308, 500, 690 and 934 and A/HSK/7, 59 and 283) were approved by the Committee between 1999 and 2021 on the similar considerations i.e. the applied/proposed uses were not incompatible with the surrounding areas, generally in line with the relevant TPB PG-No.13 and no major adverse comments from concerned government departments. However, five of the planning permissions 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 Application No. A/HSK/249 for temporary logistics centre, covering a much larger area including the Site, was rejected by the Committee in 2020 mainly on the ground that three previous planning permissions were revoked due to non-compliance of the approval conditions.
- 6.3 The last application No. A/HSK/283 was approved by the Committee on 28.5.2021 for a period of three years with validity up to 28.5.2024. While the time-limited approval conditions regarding the implementation of the accepted drainage proposal and the submission of a revised FSIs proposal have been complied with, the condition on the implementation of FSIs proposal has not yet been complied with.

## **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-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 and northwest are two logistics centres and an open storage yard under valid planning permissions, two warehouses (one under valid planning permission and one being a suspected unauthorized development (UD)), a vehicle repair workshop which is a suspected UD and some residential dwellings;
- (b) to its immediate east are a number of residential dwellings (the nearest one being adjacent to the Site), a site for storage of vehicles and an open storage yard under valid planning permission, and a vehicle repair workshop which is a suspected UD. Further northeast across the Lau Fau Shan Road are a number of residential dwellings and five sites for parking of vehicles (one under valid planning permission and four being suspected UDs);
- (c) to its south and southeast are two logistics centres under valid planning permissions and an open storage yard which is a suspected UD; and
- (d) to its west and southwest are two open storage yards (one under valid planning permission and one being a suspected UD) and a logistics centre which is a suspected UD.

## **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 a wider district, region or the 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 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 adjacent to the Site) (**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 28.4.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) 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 temporary logistics centre for a period of three years at the Site 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 adverse comment on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, 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 considered not incompatible with the surrounding land uses which are predominantly logistics centres, open storage yards, warehouses and vehicle repair workshops, 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 the HSK/HT NDA and ten previous planning approvals, including four for similar temporary logistics centre with/without ancillary uses covering different

extents of the Site, had been granted from 1999 to 2021. Furthermore, the Site is covered by a valid planning permission under application No. A/HSK/283 up to 28.5.2024, and time-limited condition regarding the implementation of the FSIs proposal has not yet been complied with. The applicant has submitted a FSIs proposal in support of the current application, and the Director of Fire Services has no objection to the application. The current application is to provide additional floor space for logistics centre when compared with the last approved application. In this regard, sympathetic consideration may be given to the application.

- 12.4 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being adjacent to the Site) (**Plan A-2**), and the applied use involves the use of heavy vehicles thus environmental nuisance is expected, there was no environmental complaint pertaining to the Site received in the past three years. To minimise the possible environmental impacts on the nearby sensitive receivers and to address the technical requirements of other 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 UD on the Site would be subject to planning enforcement action. The applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites'.
- 12.5 A public comment expressing concern on 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 12.4 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 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 **9.6.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) no operation between 9:00 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 **9.9.2023**;

- (e) the implementation of the accepted 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 **9.3.2024**;
- (f) if any of the above planning conditions (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
- (g) if any of the above planning conditions (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 applied 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 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**

<b>Appendix I</b>	Application Form received on 20.4.2023
<b>Appendix Ia</b>	FI received on 9.5.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	Proposed FSIs Plan
<b>Plan A-1a</b>	Location Plan

<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 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2023**