

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

**APPLICATION NO. A/HSK/454**

- Applicant** : 思信停車場有限公司 represented by Miss HUI Hang Yu
- Site** : Various Lots in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 47,000m<sup>2</sup>
- 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 48.9%);  
*[restricted to a maximum building height (BH) of 8 storeys]*
- (ii) “Residential (Group A) 2” (“R(A)2”) (about 24.4%);  
*[restricted to a maximum plot ratio (PR) of 6 and a maximum BH of 140mPD]*
- (iii) “Other Specified Uses” (“OU”) annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” (“OU(POFEFTS)”) (about 8.1%);  
*[restricted to a maximum PR of 3 and a maximum BH of 60mPD]*
- (iv) “Open Space” (“O”) (about 12%); and
- (v) areas shown as ‘Road’ (about 6.6%)
- Application** : Temporary Warehouse, Open Storage of Construction Materials and Containers with Container Vehicles Park, Container Tractors Park and Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse, open storage of construction materials, open storage of containers with container vehicles park, container tractors park and logistics yard with ancillary workshop (including compacting and unpacking workshop) for a period of three years at the application site (the Site) (**Plan A-1a**). Although the applied use is neither a Column 1 or 2

use in the “G/IC”, “R(A)2”, “OU(POFEFTS)” and “O” zones, according to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board), while all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently used for the applied use with valid planning permission.

- 1.2 The Site is accessible from Ping Ha Road via a local track, and six ingress/egress points are provided at the northern and eastern parts of the Site (**Plans A-2 and A-3**). According to the applicant, the existing 28 temporary structures (one to three storeys, not more than 3m to 12m high) with a total floor area of about 32,644.3m<sup>2</sup> are used for warehouses, logistics centre, offices, workshops, open sheds, electricity meter rooms, fire service pump room and water tank, guard rooms and toilets. A total of 52 loading/unloading bays for heavy goods vehicles (HGVs) (14m x 3.5m) are provided at four locations within the Site (**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 layout plan with vehicular access leading to the Site, drainage plans, fire service installations (FSIs) plans and landscape and tree preservation plan submitted by the applicant are at **Drawings A-1 to A-13** respectively.
- 1.3 The Site is involved in 22 previous planning applications for various temporary open storage, logistics centre/yard, container vehicles/tractors park, recycling centre and/or workshop uses, of which 18 were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1997 and 2021 while four applications were rejected by the Committee between 2001 and 2007 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/289 approved by the Committee on 12.3.2021, the current application is submitted by the same applicant for the same use with a different layout at a larger site. A comparison of the major development parameters of last application and the current application is summarised as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/289) (a)</b>	<b>Current Application (A/HSK/454) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Temporary Warehouse, Open Storage of Construction Materials and Containers with Container Vehicles Park, Container Tractors Park and Logistics Yard with Ancillary Workshop (Including Compacting and Unpacking Workshop) for a Period of 3 Years		<b>No change</b>
Site Area	About 46,233m <sup>2</sup>	About 47,000m <sup>2</sup>	<b>+767m<sup>2</sup></b>
Total Floor Area	Not more than 25,705m <sup>2</sup>	Not more than 32,644.3m <sup>2</sup>	<b>+6,939.3m<sup>2</sup></b>
No. of Structures	27 (warehouse, logistics centre, office, workshop, open shed uses, electricity meter)	28 (warehouse, logistics centre, office, workshop, open shed uses, electricity meter)	<b>+1</b>

	room, fire service pump room and water tank, guard room and toilet)	room, fire service pump room and water tank, guard room and toilet)	
Building Height	Not more than 3m to 12 high (1 to 3 storeys)		<b>No change</b>
No. of Parking Spaces	52 for HGVs	0	<b>-52</b>
No. of Loading/ Unloading Bay	0	52 for HGVs (14m x 3.5m)	<b>+52</b>
Operation Hours	from 8:00 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 10.5.2023 **(Appendix I)**
- (b) Supplementary Information (SI) received on 16.5.2023 **(Appendix Ia)**
- (c) Further Information (FI) received on 7.6.2023\* **(Appendix Ib)**
- (d) FI received on 15.6.2023\* **(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 SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) The current application is to reflect the latest site condition and thus has a different layout when compared with the last approved application No. A/HSK/289.
- (b) The applied use is not incompatible with the surrounding environment. Similar planning applications for open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (c) The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental impact.
- (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 publishing in local newspapers 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 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 or portion of the Site is involved in 22 previous applications for various temporary open storage, logistics centre/yard, container vehicles/tractors park, recycling centre and/or workshop uses covering different extents of the Site. Amongst them, 18 applications (No. A/YL-HT/24, 41, 78, 103, 136, 232, 289, 389, 430, 443, 590, 731, 781, 831, 904 and 1052 and A/HSK/9 and 289) were approved by the Board/Committee between 1997 and 2021 mainly on similar considerations that the applied/proposed uses were not incompatible with the surrounding areas, generally in line with the then TPB PG-No.13 and no major adverse comments from concerned government departments. However, three 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 The other four applications (No. A/YL-HT/183, 201, 203 and 410) for temporary open storage of containers, pond filling for temporary tree plantation and temporary logistics transport transit centre uses, were rejected by the Committee/the Board upon review between 2001 and 2007, mainly on the grounds that there was insufficient information to demonstrate no adverse traffic, environmental, landscape and drainage impacts on the surrounding areas, not compatible with the adjacent area, not in line with the then TPB PG-No.13 and/or destroying the integrity of fish ponds.

6.3 The last application No. A/HSK/289 for the same applied use was approved by the Committee on 12.3.2021 for a period of three years with validity up to 12.3.2024. While the time-limited approval conditions regarding submission of a condition record of the existing drainage facilities, the provision of fire extinguisher(s) and the submission of FSIs proposal have been complied with, the condition on the implementation of FSIs proposal has not yet been complied with.

#### **7. Similar Applications**

There are 16 similar applications (No. A/HSK/75, 85, 99, 110, 121, 135, 146, 163, 223, 254, 258, 295, 312, 319, 385 and 415) for various temporary open storage, warehouse, logistics centre, container vehicle park and/or workshop uses within/straddling the subject “G/IC”, “R(A)2”, “OU(POFEFTS)” and “O” zones in the past five years. All of them were approved with conditions by the Committee between 2018 and 2022 on the considerations similar to those mentioned in paragraph 6.1 above. However, seven of the planning permissions were subsequently revoked due to non-compliance with approval conditions. 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-4f)**

8.1 The Site is:

- (a) accessible from Ping Ha 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 two logistics centres and parking of vehicles (one under valid planning permission and one being a suspected unauthorized development (UD)) and two open storage yards (one under valid planning permission and one being a suspected UD);
- (b) to its east and southeast are a logistics centre under valid planning permission and four open storage yards (three under valid planning permissions and one being a suspected UD);
- (c) to its south and southwest are three open storage yards and workshops (two under valid planning permissions and one being a suspected UD); and
- (d) to its west are a logistics centre and warehouse under valid planning permission. To its further northwest are some residential dwellings (the closest one is about 111m away).

## **9. Planning Intentions**

- 9.1 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.
- 9.2 The planning intention of the “R(A)2” zone is intended primarily for high-density residential developments.
- 9.3 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.
- 9.4 The planning intention of the “OU (POFEFTS)” zone is intended primarily for the provision of parking and operational facilities (including ancillary office) for Environmentally Friendly Transport Services (EFTS) serving the area.

## **10. Comments from Relevant Government Departments**

All 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.

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

On 19.5.2023, 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 temporary warehouse, open storage of construction materials, open storage of containers with container vehicles park, container tractors park and logistics yard with ancillary workshop (including compacting and unpacking workshop) for a period of three years at the Site zoned “G/IC” (about 48.9%), “R(A)2” (about 24.4%), “O” (about 12%) and “OU(POFEFTS)” (about 8.1%), and partly within an area shown as ‘Road’ (about 6.6%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “G/IC”, “R(A)2”, “OU(POFEFTS)” and “O” zones, the Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services have 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 and warehouse, with some of them covered by valid planning permissions (**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 18 previous planning approvals for various temporary open storage, logistics centre/yard, container vehicles/tractors park, recycling centre and/or workshop uses covering different extents of the Site had been granted from 1997 to 2021. Furthermore, the Site is covered by a valid planning permission under application No. A/HSK/289 up to 12.3.2024. Although the 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. In this regard, sympathetic consideration may be given to the application.
- 12.4 There is no adverse comment from the concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services, Chief Engineer/Mainland North of Drainage Services Department and Chief Town Planner/Urban Design and Landscape on the application. The applied use would unlikely cause significant adverse environmental, traffic, fire safety, drainage and landscape impacts on the surrounding areas. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 Given 18 previous approvals for various temporary uses had been granted for the Site between 1997 and 2021 and 16 similar applications had been approved by the Committee between 2018 and 2022, approval of the current application is in line

with the previous decisions of the Committee.

- 12.6 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 12.5 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 in paragraph 11, the Planning Department considers that the temporary warehouse, open storage of construction materials, open storage of containers with container vehicles park, container tractors park and logistics yard with ancillary workshop (including compacting and unpacking workshop) 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 **23.6.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval conditions**

- (a) 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 **23.9.2023**;
- (b) the submission of a revised drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.12.2023**;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **23.3.2024**;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.8.2023**;
- (f) 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 **23.12.2023**;
- (g) 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 **23.3.2024**;
- (h) if the above planning condition (d) 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

- (i) if any of the above planning conditions (a), (b), (c), (e), (f) or (g) 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 "G/IC", "R(A)2", "OU(POFEFTS)" and "O" zones which are 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; high-density residential developments; 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; and the provision of parking and operational facilities (including ancillary office) for EFTS serving the area, 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**

<b>Appendix I</b>	Application Form received on 10.5.2023
<b>Appendix Ia</b>	SI received on 16.5.2023
<b>Appendix Ib</b>	FI received on 7.6.2023
<b>Appendix Ic</b>	FI received on 15.6.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	'Good Practice for Open Storage Sites' by the Fire Services Department
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan with Vehicular Access



<b>Drawings A-2 and A-3</b>	Drainage Plans
<b>Drawings A-4 to A-12</b>	FSIs Plans
<b>Drawing A-13</b>	Landscape and Tree Preservation 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 4f</b>	Site Photos

**PLANNING DEPARTMENT**  
**JUNE 2023**