

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

**APPLICATION NO. A/HSK/456**

- Applicant** : Prime Surplus Management Limited represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 11,762m<sup>2</sup> (including about 8m<sup>2</sup> of GL (about 0.07%))
- 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 61%);  
*[restricted to a maximum plot ratio (PR) of 2.5 and a maximum building height (BH) of 90mPD]*
- (ii) “Open Space” (“O”) (about 24%);
- (iii) “Residential (Group B)1” (“R(B)1”) (about 12%); and  
*[restricted to a maximum PR of 3.5 and a maximum BH of 90mPD]*
- (iv) area shown as ‘Road’ (3%)

**Application** : Temporary Logistics Centre with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary logistics centre with ancillary site office for a period of three years at the application site (the Site) (**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 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 without valid planning permission.
- 1.2 The Site is accessible from Lau Fau Shan Road, and the ingress/egress point is at the northeastern part of the Site (**Plans A-2 and A-3**). According to the applicant,

the existing two-storey temporary structure (not more than 12m high) with a floor area of about 17,440m<sup>2</sup> is used for logistics centre with rain shelters and site office. Four other single-storey temporary structures (not more than 4m to 6.5m high) with a total floor area of not more than 134m<sup>2</sup> at the northeastern part of the Site are used for water tank and pump room, electricity meter room, toilet and guard room. Four loading/unloading spaces for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) and two loading/unloading spaces for container trailers/tractors (each of 16m x 3.5m) are provided (**Drawing A-1**). 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 proposed layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in nine previous applications for various temporary logistics centre or parking/open storage of container trailers/tractors with/without ancillary site office or repair workshop uses approved by the Rural and New Town Planning Committee (the Committee) of the Board/the Board between 2002 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/321 approved by the Committee on 27.8.2021, the current application is submitted by the same applicant for the same use with a similar layout at the same 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/321) (a)</b>	<b>Current Application (A/HSK/456) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Temporary Logistics Centre with Ancillary Office for a Period of 3 Years		<b>No change</b>
Site Area	About 11,762m <sup>2</sup>		<b>No change</b>
Total Floor Area	About 9,024m <sup>2</sup>	Not more than 17,574m <sup>2</sup>	<b>+8,550m<sup>2</sup></b>
No. of Structures	5 (logistics centre with rain shelters and site office, water tank and pump room, electricity meter room, toilet and guard room)		<b>No change</b>
Building Height	Not more than 4m to 12 high (1 to 2 storeys)		<b>No change in BH but addition of a floor in the logistics centre</b>
No. of Loading/Unloading Space	4 for M/HGVs (each of 11m x 3.5m) 2 for container trailers/tractors (each of 16m x 3.5m)		<b>No change</b>
Operation Hours	from 7:00 a.m. to 11:00 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 15.5.2023 (Appendix I)
- (b) Further Information (FI) received on 1.6.2023\* (Appendix Ia)
- (c) FI received on 21.11.2023\* (Appendix Ib)

*[\*accepted and exempted from publication and recounting requirements]*

1.6 On 14.7.2023 and 22.9.2023, the Committee of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

## **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 Ia**. They can be summarised as follows:

- (a) A number of previous applications for the same applied use have been approved by the Board at the Site since 2016. The current application is to provide additional floor in the logistics centre when compared with the last approved application No. A/HSK/321. Except the condition on the implementation of FSIs proposal, other approval conditions have been complied with.
- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13). 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 applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones. 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 publishing in local newspapers. 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 the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) under the revised Guidelines. Relevant extract of the Guidelines is 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 nine previous applications (No. A/YL-HT/242, 307, 308, 500, 501, 934 and 1017 and A/HSK/145 and 321) for various temporary logistics centre or parking/open storage of container trailers/tractors with or without ancillary site office or repair workshop uses covering different extents of the Site which were approved by the Committee/the Board between 2002 and 2021. Amongst them, the latter four applications are for temporary logistic centre use which were approved by the Committee between 2015 and 2021 mainly on similar considerations that 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, four of the nine 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 last application No. A/HSK/321 was approved by the Committee on 12.3.2021 for a period of three years but the permission was subsequently revoked on 27.5.2023 due to non-compliance with time-limited approval condition regarding the implementation of FSIs proposal.

## **7. Similar Applications**

There are 11 similar applications for temporary logistics centre within/straddling the subject “R(B)2”, “O” and “R(B)1” zones in the past five years. Ten of them were approved with conditions by the Committee between 2019 and 2023 based on similar considerations as mentioned in paragraph 6.1 above. Five of the ten 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 without valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres, vehicle repair workshops and storage facility, and some residential dwellings. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intentions**

- 9.1 The planning intention of the “R(B)” zone is primarily for medium-density residential developments.
- 9.2 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.

## **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 nearest residential dwelling being about 23m 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 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 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 with ancillary site office for a period of three years at the Site zoned “R(B)2” (about 61%), “O” (about 24%) and “R(B)1” (about 12%), and partly within an area shown as ‘Road’ (about 3%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(B)” 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 open storage yards, logistics centres and vehicle repair workshops, and some residential dwellings (**Plan A-2**).
- 12.3 The applied use is generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and four previous planning approvals for temporary logistics centre with ancillary site office uses had been granted from 2015 to 2021. While the planning permission granted under the last application No. A/HSK/321 in 2021 was revoked due to non-compliance with the time-limited approval condition regarding implementation of FSIs proposal, relevant proposal has been submitted in the current application. The Director of Fire Services has no objection to the application and considers the submitted FSIs proposal acceptable. In this regard, sympathetic consideration may be given to the application. The applicant will be advised that should it 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 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 23m away) (**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. Should the application be approved, the applicant will 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 nuisance on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Given four previous approvals for temporary logistics uses had been granted for the Site between 2015 and 2021 and ten similar applications had been approved by the Committee between 2019 and 2023, approval of the current application is generally 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 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 **12.1.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) *no operation from 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 on the site 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 **12.4.2024**;
- (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 **12.10.2024**;
- (f) if **any of** the above planning condition (a), (b) 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
- (g) if any of the above planning condition (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 intentions of the "R(B)" and "O" zones which are primarily for medium-density residential developments and for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public 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 15.5.2023

<b>Appendix Ia</b>	FI received on 1.6.2023
<b>Appendix Ib</b>	FI received on 21.11.2023
<b>Appendix II</b>	Relevant Extract 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>	Public Comment
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	As-built Drainage Plan
<b>Drawing A-3</b>	FSIs 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 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2024**