

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

**APPLICATION NO. A/HSK/458**

- Applicant** : Sense Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1968 (Part), 1970 (Part), 1971 RP (Part), 1973 (Part), 1975 RP (Part), 1978 (Part) and 1979 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 3,570m<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
- Zoning** : “Government, Institution or Community” (“G/IC”)  
*[restricted to a maximum building height of 8 storeys]*
- Application** : Renewal of Planning Approval for Temporary Logistics Centre 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 for a period of three years (**Plan A-1a**). The applied use is neither a Column 1 nor Column 2 use in the “G/IC” zone. 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). The Site is currently used for the applied use with valid planning permission until 21.8.2023.
- 1.2 The Site is accessible from Ping Ha Road via a local track, 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 3,520m<sup>2</sup> is used for logistics centre. Four other one to two storeys temporary structures (not more than 3m to 8m high) with a total floor area of not more than 248m<sup>2</sup> at the northeastern part of the Site are used for water tank and pump room, toilet, site office and staff restroom. One loading/unloading bay for container trailer (16m x 3.5m) is provided (**Drawing A-2**). The operation

hours are from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays, with 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 10 previous planning applications for various temporary open storage and logistics centre uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1996 and 2020 (details at paragraph 6 below). Compared with the last application No. A/HSK/241 approved on 21.8.2020, the current application is submitted by the same applicant for the same use with the same layout and development parameters.

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

- (a) Application Form with attachments received on 16.5.2023 **(Appendix I)**
- (b) Further Information (FI) received on 31.5.2023 **(Appendix Ia)**  
*[accepted and 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) 10 previous applications have been approved by the Board at the Site since 1996. The current application is to seek renewal of planning approval under the last approved application No. A/HSK/241. All time-limited approval conditions for the previous application have been fulfilled. The development parameters under the current application are the same as those of application No. A/HSK/241.
- (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 zone. The impacts on environment, traffic and drainage are expected to be insignificant.
- (d) There is a shortage of land for port back-up uses in the area.

## **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**

- 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 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**.
- 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 10 previous applications (No. A/YL-HT/7, 128, 216, 380, 534, 716, 827, 993 and A/HSK/73 and 241) for various temporary open storage and logistics centre uses. All the applications were approved by the Committee/the Board between 1996 and 2020 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 there were no major adverse comments from concerned government departments. However, four of the planning permissions 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/241 was approved with conditions by the Committee on 21.8.2020 for a period of three years with validity up to 21.8.2023. All time-limited approval conditions have 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-4)**

- 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 and northwest are three open storage yards and a warehouse which are suspected unauthorized developments (UDs);
  - (b) to its east and northeast are three open storage yards and two sites for parking

of vehicles which are suspected UD;

(c) to its south is an open storage yard which is a suspected UD; and

(d) to its west and southwest are four open storage yards which are suspected UD.

## **9. Planning Intention**

The planning intention “G/IC” zone is primarily for 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**

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 V and VI** respectively.

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

On 30.5.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval 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 (**Appendix VI**).

12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly open storage yards, workshops and warehouse (**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 previous planning approvals for various temporary open storage or logistics centre uses had been granted from 1996 to 2020. As compared with the last approved application No. A/HSK/241, the current application is submitted by the same applicant for the same use with the same layout and development parameters 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 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 on the renewal application and the three-year approval period sought which is the same as the last approval granted by the Committee is not unreasonable.

- 12.5 Concerned government departments, including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department, have no adverse comment on the application. The applied use would unlikely create significant adverse environmental, traffic, fire safety and drainage impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise potential environmental nuisance on the surrounding areas.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary logistics centre could be tolerated for a further 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 **from 22.8.2023 until 21.8.2026**. 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 **22.11.2023**;
- (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 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 VI**.

- 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 16.5.2023
<b>Appendix Ia</b>	FI received on 31.5.2023
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 13G
<b>Appendix III</b>	Relevant Extract of TPB PG-No. 34D
<b>Appendix IV</b>	Previous Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<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>	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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2023**