

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/460

- Applicant** : 輝訊投資有限公司 represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 94 (Part), 98 S.A (Part), 98 RP (Part), 99 (Part), 100 (Part), 105 (Part), 106 (Part), 107 (Part), 108 (Part), 110 (Part), 116 (Part) and 760 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 4,990m²
- 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 A)2” (“R(A)2”) (about 39.7%);
[restricted to a maximum plot ratio (PR) of 6 and a maximum building height (BH) of 140mPD]
- (ii) “Residential (Group A)3” (“R(A)3”) (about 27.2%); and
[restricted to a maximum PR of 5.5 and a maximum BH of 140mPD]
- (iii) an area shown as ‘Road’ (about 33.1%)
- Application** : Temporary Logistics Centre and Ancillary Parking of Vehicle for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre and ancillary parking of vehicle 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 Ping Ha Road via a local track, and the ingress/egress point is provided at the northeastern part of the Site (**Plans A-2 and A-3**).

According to the applicant, the existing single-storey temporary structure (not more than 11m high) with a floor area of about 3,540m² is used for logistics centre with rain shelter. Three other one-storey temporary structures (not more than 3.5m to 5m high) with a total floor area of not more than 120m² at the northeastern and southeastern parts of the Site are used for ancillary facilities, including site office, water tank and pump room and toilet. Two parking spaces for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) and one parking space for container trailers (16m x 3.5m) are provided (**Drawing A-2**). 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. Plans showing the access leading to the Site, site 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 six previous planning applications for various temporary open storage and logistics centre with/without ancillary parking of vehicle or workshop uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1999 and 2018 (details at paragraph 6 below).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 24.5.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 30.5.2023 (**Appendix Ia**)
 - (c) SI received on 1.6.2023 (**Appendix Ib**)
 - (d) Further Information (FI) received on 7.7.2023 (**Appendix Ic**)
[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 and FI at **Appendices I and Ic**. They can be summarised as follows:

- (a) Four previous applications for the same applied use at the Site have been approved by the Board since 2013. The last approved application No. A/HSK/85 was revoked on 3.1.2021 due to non-compliance with the time-limited approval condition regarding the implementation of the FSIs proposal. The applicant has submitted relevant proposal in support of the current application.
- (b) The applied use is not incompatible with the surrounding areas. 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.

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

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 six previous applications (No. A/YL-HT/121, 637, 873, 939 and 960 and A/HSK/85) for various temporary open storage and logistics centre with/without ancillary parking of vehicle or workshop uses covering different extents of the Site. Among which, four of them applied for the same uses as the current application. All six applications were approved by the Committee between 1999 and 2018 mainly on the 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, three of the planning permissions (i.e. Applications No. A/YL-HT/121, 939 and A/HSK/85) 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/85 was approved by the Committee on 3.8.2018 for a period of three years but the permission was subsequently revoked on 3.1.2021 due to non-compliance with the time-limited approval condition regarding the implementation of FSIs proposal. Compared with the last planning approval, the current application is submitted by the same applicant for the same use with the same layout at the same site.

7. Similar Applications

There are 12 similar applications (No. A/HSK/86, 94, 99, 135, 219, 264, 289, 295, 312, 316, 385 and 454) for various temporary logistics centre, open storage, warehouse and container vehicle park uses within/straddling the subject “R(A)2” and “R(A)3” zones and area shown as ‘Road’ in the past five years. All of them were approved with conditions by the Committee between 2018 and 2023 on the considerations similar to those mentioned in paragraph 6.1 above. 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-4)

8.1 The Site is:

- (a) accessible from Ping Ha Road via local track; and
- (b) currently used for the applied use without valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north is a logistics centre under valid planning permission;
- (b) to its east and northeast are two open storage yards, two warehouses and a vehicle repair workshop which are suspected unauthorized developments (UDs);
- (c) to its south and southeast are three open storage yards and two vehicle repair/body workshops which are suspected UD's and some residential dwellings; and
- (d) to its west and southwest are a logistics centre under valid planning permission, three open storage yards and a warehouse which are suspected UD's and some residential dwellings (the closest one being about 28m away).

9. Planning Intention

The planning intention of the "R(A)" zone is intended primarily for high-density residential developments.

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 28m 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 2.6.2023, 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 applications have not yet been complied with.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary logistics centre and ancillary parking of vehicle for a period of three years at the Site partly zoned “R(A)2” (about 39.7%) and “R(A)3” (about 27.2%), and partly shown as ‘Road’ (about 33.1%) on the OZP. Whilst the applied use is not in line with the planning intention of the “R(A)” 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 used for open storage yards, warehouses, vehicle repair workshops and logistics centre, 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 four previous planning approvals for the same applied uses covering different extents of the Site had been granted from 2013 to 2018. While the planning permission granted under the last application No. A/HSK/85 in 2018 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, and the Director of Fire Services has no objection to the application. In this regard, sympathetic consideration may be given to the application. Should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration may not be given to any further application.
- 12.4 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 28m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles and 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 impacts on the surrounding areas. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Four previous approvals for the same applied uses had been granted for the Site between 2013 and 2018 and 12 similar applications had been approved by the Committee between 2018 and 2023. 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 logistics centre and ancillary parking of vehicle 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 **14.7.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 8:00 p.m. to 8:00 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 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 **14.10.2023**;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 **14.1.2024**;
- (f) in relation to (e) above, 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 **14.4.2024**;
- (g) if any of the above planning condition (a), (b) or (d) 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
- (h) if any of the above planning condition (c), (e) or (f) 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 reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intention of the "R(A)" zone which is primarily for high-density residential developments. There is no strong justification in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

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 24.5.2023
Appendix Ia	SI received on 30.5.2023
Appendix Ib	SI received on 1.6.2023
Appendix Ic	FI received on 7.7.2023
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Proposed FSIs 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
Plan A-4	Site Photos