

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/461

Applicant : 暉陞有限公司 represented by Allgain Land Administrators (Hong Kong) Limited

Site : Lots 95 S.A (Part), 95 RP (Part) and 97 (Part) in D.D. 125, Ha Tsuen, Yuen Long, New Territories

Site Area : About 2,290m²

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 : (i) “Residential (Group A)3” (“R(A)3”) (about 62.5%); and
[restricted to a maximum plot ratio of 5.5 and a maximum building height of 140mPD]

(ii) area shown as ‘Road’ (about 37.5%)

Application : Proposed Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

1.1 The applicant seeks planning permission for proposed temporary logistics centre 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 building 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 warehouse without valid planning permission.

1.2 The Site is accessible from Ping Ha Road via a local track, and the ingress/egress point is at the northwestern part of the Site (**Plans A-2 and A-3**). According to the applicant, an one-storey temporary structure (not more than 12m high) with a floor area of about 1,400m² is proposed for logistics centre. Six other one to two storeys temporary structures (not more than 3.5m to 8.5m high) with a total floor area of about 380m² at the western part of the Site will be used for loading/unloading platform, site office, water tank and pump room, CCTV room and storage. Two loading/unloading spaces for medium/heavy goods vehicles

(M/HGVs) (each of 11m x 3.5m) will also be 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 fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in three previous planning applications for temporary logistics centre with/without ancillary parking of vehicle use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2013 and 2018 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/86 approved by the Committee on 3.8.2018, the current application is submitted by the same applicant for the same use with a similar layout at a smaller site. A comparison of the major development parameters of last application and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/86) (a)	Current Application (A/HSK/461) (b)	Difference (b) – (a)
Applied Use	Temporary Logistics Centre for a Period of 3 Years	Proposed Temporary Logistics Centre for a Period of 3 Years	No change in the applied use
Site Area	About 2,544m ²	About 2,290m ²	-254m²
Total Floor Area	About 1,812m ²	About 1,780m ²	-32m²
No. of Structures	6 (logistics centre, loading/unloading platform, site office, water tank and pump room and storage)	7 (logistics centre, loading/unloading platform, site office, water tank and pump room, CCTV room and storage)	+1
Building Height	Not more than 3.5m to 12 high (1 to 2 storeys)		No change
No. of Loading/Unloading Spaces	2 for M/HGVs (each of 11m x 3.5m)		No change
Operation Hours	from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		No change

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

- (a) Application Form with attachments received on 25.5.2023 (**Appendix I**)
- (b) Supplementary Information (SI) received on 30.5.2023 (**Appendix Ia**)
- (c) Further Information (FI) received on 11.10.2023 (**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 SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) Three previous applications for similar use have been approved by the Board at the Site since 2013. The last approved application No. A/HSK/86 was revoked on 3.1.2021 due to non-compliance with 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 proposed 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 proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.

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 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 three previous applications (No. A/YL-HT/839 and 1014 and A/HSK/86) for temporary logistics centre with/without ancillary parking of vehicle use. All three applications were approved by the Committee between 2013 and 2018 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, two 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 last application No. A/HSK/86 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 time-limited approval condition regarding the implementation of FSIs proposal.

7. Similar Applications

There are nine similar applications for various temporary logistics centre, open storage, warehouse, container vehicle park with/without ancillary uses within/straddling the subject “R(A)3” zone in the past five years. All of them were approved with conditions by the Committee between 2019 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-4b)

- 8.1 The Site is:

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

- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres, warehouses and vehicle repair workshops, intermixed with some residential dwellings and unused land. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “R(A)3” 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 41m away) (**Plan A-2**) and the proposed 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 proposed temporary logistics centre and ancillary parking of vehicle for a period of three years at the Site zoned “R(A)3” (about 62.5%) and partly within an area shown as ‘Road’ (about 37.5%) on the OZP. Whilst the proposed use is not in line with the planning intention of the “R(A)3” 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 proposed use is considered not incompatible with the surrounding land uses which are predominantly open storage yards, logistics centres, warehouses and vehicle repair workshops with some residential dwellings (**Plan A-2**).
- 12.3 The proposed use is generally in line with the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and three previous planning approvals for temporary logistics centre with/without ancillary parking of vehicles had been granted from 2013 to 2018. While the planning permission granted under the last application No. A/HSK/86 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. 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 application.
- 12.4 The Commissioner for Transport and the Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application. While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 41m away) (**Plan A-2**) and the proposed 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 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 Given three previous approvals for temporary logistics centre with/without ancillary parking of vehicles had been granted for the Site between 2013 and 2018 and nine similar applications had been approved by the Committee in the past five years, approval of the current application is in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment expressing concern on the application as summarised in paragraph 11, 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 proposed 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 **8.12.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implemented 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 **8.3.2024**;
- (c) 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 **8.9.2024**;
- (d) if the above planning condition (a) 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 any of the above planning condition (b) or (c) 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 proposed use is not in line with the planning intention of the "R(A)3" 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.

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 25.5.2023
Appendix Ia	SI received on 30.5.2023
Appendix Ib	FI received on 11.10.2023
Appendix II	Relevant Extract 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	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
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**