

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/468

- Applicant** : Luen Bong Property Development Limited represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 15,000m² (includes GL of about 400m² or 2.7%)
- 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 67%);
[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 25.3%); and
[Restricted to a maximum PR of 5.5 and a maximum BH of 140mPD]
- (iii) area shown as ‘Road’ (about 7.7%)
- Application** : Temporary Logistics Centre and Storage of Exhibition Materials and Recyclable Materials (Plastic, Metal and Paper) with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre and storage of exhibition materials and recyclable materials (plastic, metal and paper) with ancillary workshop 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 area shown as ‘Road’ require planning permission from the Board. The Site is currently used for the applied use under valid planning permission No. A/HSK/295.
- 1.2 The Site is accessible from Ping Ha Road via a local track and two ingress/egress

points are provided at the eastern and southeastern parts of the Site (**Plans A-2 and A-3**). According to the applicant, the existing nine temporary structures (one to two storeys, 3.5m to 11m high) with a floor area of not more than 10,417m² are used for logistics centres, storages of recyclable materials and exhibition materials, ancillary workshop, offices, toilets and water tank. Four loading/unloading (L/UL) bays for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) and two L/UL bays for container trailers (each of 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 fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in eight previous planning applications for various temporary open storage, logistics centre and/or storage of recyclable materials uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2009 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/295 approved with conditions by the Committee on 26.3.2021, the current application is submitted by the same applicant for a similar use with addition of storage of exhibition materials and ancillary workshop uses at the same site with a similar layout¹. 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/295) (a)	Current Application (A/HSK/468) (b)	Difference (b) – (a)
Applied Use	Temporary Logistics Centre with Storage of Recyclable Materials (Plastics, Metal and Paper) for a Period of 3Years	Temporary Logistics Centre and Storage of Exhibition Materials and Recyclable Materials (Plastic, Metal and Paper) with Ancillary Workshop for a Period of 3 Years	Addition of storage of exhibition materials and ancillary workshop uses
Site Area	About 15,000m ²		No change
Total Floor Area	About 10,217m ²	Not more than 10,417m ²	+200m²
No. of Structures	9 (logistics centre, storage of recyclable materials, office, toilet and water tank)	9 (logistics centre, storage of recyclable materials and exhibition materials, ancillary workshop, office, toilet and water tank)	No change
Building Height	3.5m to 11m high (1 to 2 storeys)		No change

¹ While the layout in the current application is similar to that of Application No. A/HSK/295, the floor area of Structure 5 is 200m² larger than that in the previous application.

No. of L/UL bays	4 for M/HGVs (11m x 3.5m) 2 for container trailers (16m 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 12.6.2023 **(Appendix I)**
- (b) Further Information (FI) received on 27.6.2023 **(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 and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) A number of previous applications for temporary open storage, logistics centre and/or storage of recyclable materials uses at the Site have been approved by the Board since 2009. The Site is currently covered by planning permission No. A/HSK/295 and all approval conditions have been complied with, except the condition on the implementation of the FSIs proposal. The applicant has submitted a FSIs proposal in support of the application. The current application is to reflect the change of use at the Site.
- (b) The development conforms with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13).
- (c) 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.
- (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. The ancillary workshop involves only sorting and baling of recyclables and is entirely covered by enclosed structures. No operation will be carried out between 8:00 p.m. and 8:00 a.m.
- (f) 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 publishing notice in local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB 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 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 eight previous applications (No. A/YL-HT/645, 720, 814, 891 and 997 and A/HSK/1, 99 and 295) for various temporary open storage, logistics centre and/or storage of recyclable materials uses covering different extents of the Site. All the applications were approved by the Committee between 2009 and 2021 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 there were no major adverse comments from concerned government departments. However, three of the planning permissions (i.e. Applications No. A/YL-HT/997 and A/HSK/1 and 99) 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/295 for temporary logistics centre with storage of recyclable materials (plastics, metal and paper) was approved by the Committee on 26.3.2021 for a period of three years with validity until 26.3.2024. While the time-limited approval conditions regarding submission of a condition record of the existing drainage facilities 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 ten similar applications (No. A/HSK/94, 135, 219, 264, 289, 312, 316, 385, 454 and 460) for various temporary logistics centre, open storage, warehouse and container vehicle park with/without workshop 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. However, one of the planning permission was subsequently revoked due to non-compliance with approval condition. 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-4c)

8.1 The Site is:

(a) accessible from Ping Ha Road via local track; and

- (b) currently used for the applied use under valid planning permission.

8.2 The surrounding areas have the following characteristics:

- (a) to its north and northwest are two open storage yards and a warehouse under valid planning permissions;
- (b) to its northeast is an open storage yard under valid planning permission;
- (c) to its south and southeast are a logistics centre under valid planning permission, four open storage yards, three warehouses, a storage facility and a vehicle repair workshop which are suspected unauthorized developments (UDs) and some residential dwellings (the closest one being adjacent to the Site); and
- (d) to its west and southwest are two open storage yards (one being a suspected UD and one under valid planning permission).

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 adjacent to the Site) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected;
- (b) no environmental complaint pertaining to the Site was received in the past three years; and
- (c) should the application be approved, the following approval conditions should be imposed with regard to the ancillary workshop:
 - (i) no washing, shredding, polishing, burning and melting of recyclable materials is allowed at the Site at any time during the planning approval period; and

- (ii) all workshop activities should be carried out in enclosed structures at the Site at any time during the planning approval period.

11. Public Comment Received During Statutory Publication Period

On 20.6.2023, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) expressing concerns 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 and storage of exhibition materials and recyclable materials (plastic, metal and paper) with ancillary workshop for a period of three years at the Site partly zoned “R(A)2” (about 67%) and “R(A)3” (about 25.3%), and partly shown as ‘Road’ (about 7.7%) 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 workshop 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 eight previous planning approvals for various temporary open storage, logistics centre and/or storage of recyclable materials uses covering different extents of the Site had been granted from 2009 to 2021. Furthermore, the Site is covered by a valid planning permission under application No. A/HSK/295 up to 26.3.2024. Although the condition regarding implementation of the FSIs proposal under the previous approval 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 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being adjacent to the Site) (**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 Eight previous approvals for various temporary open storage, logistics centre and/or storage of recyclable materials uses had been granted for the Site between 2009 and 2021 and ten 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 storage of exhibition materials and recyclable materials (plastic, metal and paper) with ancillary 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 **11.8.2026**. 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 planning 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) no washing, shredding, polishing, burning and melting of recyclable materials is allowed at the Site at any time during the planning approval period;
- (d) all workshop activities should be carried out in enclosed structures at the Site at any time during the planning approval period;
- (e) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 **11.11.2023**;
- (g) 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 **11.2.2024**;
- (h) in relation to (g) 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 **11.5.2024**;

- (i) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (j) if any of the above planning condition (f), (g) or (h) 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 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.

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 12.6.2023
Appendix Ia	FI received on 27.6.2023
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	Proposed 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 A-4c	Site Photos

**PLANNING DEPARTMENT
AUGUST 2023**