

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

**APPLICATION NO. A/HSK/481**

- Applicant** : 海暉物流有限公司 represented by 得寶實業公司
- Site** : Various Lots in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 26,840m<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
- Zonings** : (i) “Open Space” (“O”) (about 27%)
- (ii) “Other Specified Uses” annotated “Port Back-up, Storage and Workshop Uses” (“OU(PBU&SWU)”) (about 19%);  
*[restricted to a maximum plot ratio (PR) of 7 and a maximum building height (BH) of 110mPD]*
- (iii) “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” (“OU(POFEFTS)”) (about 12%); and  
*[restricted to a maximum PR of 3 and a maximum BH of 60mPD]*
- (iv) area shown as ‘Road’ (about 42%)

**Application** : Temporary Logistics Centre and Warehouse for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary logistics centre and warehouse for a period of three years at the application site (the Site) (**Plan A-1a**). According to the Notes of the OZP, ‘Cargo Handling and Forwarding Facility’ and ‘Warehouse (excluding Dangerous Goods Godown)’ uses are always permitted in the “OU(PBU&SWU)” 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), while all uses or developments within area shown as ‘Road’ require planning permission from the Board. The Site is formed, paved and currently used for logistics centre 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 eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, there are thirteen temporary structures (one to two storeys, 3m to 10m high) with a total floor area of not more than 37,468m<sup>2</sup> used for logistics centres, warehouses, offices, toilets, electricity meter rooms and water tank and pump room. A total of 52 loading/unloading spaces for heavy goods vehicles (HGVs) (each of 12m x 5m) are provided (**Drawing A-2**). 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 four previous applications for various temporary open storage, logistics centre, warehouse and workshop uses, of which three were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2018 and 2020 while one application was rejected by the Committee in 2009 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/254 approved by the Committee on 6.11.2020, the current application is submitted by the same applicant for a similar use at a slightly larger site with a different layout. 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/254) (a)</b>	<b>Current Application (A/HSK/481) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Proposed Temporary Logistics Centre, Warehouse and Anti-epidemic Equipment Production Workshop for a Period of 3 Years	Temporary Logistics Centre and Warehouse for a Period of 3 Years	<b>Deletion of workshop use</b>
Site Area	About 26,200m <sup>2</sup>	About 26,840m <sup>2</sup>	<b>+640m<sup>2</sup></b>
Total Floor Area	About 19,804m <sup>2</sup>	About 37,468m <sup>2</sup>	<b>+17,664m<sup>2</sup></b>
No. of Structures	5 (warehouse, workshop, offices and toilet)	13 (logistics centres, warehouses, offices, toilets, electricity meter rooms and water tank and pump room)	<b>+8</b>
Building Height	3m to 10m high (1 to 2 storeys)		<b>No change</b>
No. of Loading/Unloading Spaces	54 for container vehicles (each of 12m x 5m)	52 for HGVs (each of 12m x 5m)	<b>-2</b>
Operation Hours	from 8:00 a.m. to 8:00 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 9.8.2023 (Appendix I)
  - (b) Supplementary Information (SI) received on 14.8.2023 (Appendix Ia)
  - (c) Further Information (FI) received on 31.8.2023\* (Appendix Ib)
  - (d) FI received on 25.9.2023\* (Appendix Ic)
  - (e) FI received on 26.10.2023\* (Appendix Id)
- [\*accepted and exempted from publication and recounting requirements]*

1.6 On 22.9.2023, the Committee of the Board agreed to defer making a decision on the application for two months 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 at **Appendix I**. They can be summarised as follows:

- (a) The current application is to reflect the latest site condition and thus has a different layout when compared with the last approved application No. A/HSK/254.
- (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.
- (d) The impacts in terms of traffic and drainage are expected to be insignificant.
- (e) The applied use will not generate significant environmental impacts to the surrounding areas as adequate mitigation measures will be provided. The applicant pledges to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts. No flammable goods will be stored at the Site.

## **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.

## **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 four previous applications (No. A/YL-HT/623 and A/HSK/75, 110 and 254) for various temporary open storage, logistics centre, warehouse and workshop uses covering different extents of the Site. The earlier application No. A/YL-HT/623 for temporary open storage of containers was rejected by the Committee in 2009. Considerations of this application are not relevant to the current application which does not involve open storage of containers.
- 6.2 The remaining three applications (No. A/HSK/75, 110 and 254) were approved with conditions by the Committee between 2018 and 2020 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, all 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**.
- 6.3 The last application No. A/HSK/254 for proposed temporary logistics centre, warehouse and anti-epidemic equipment production workshop was approved by the Committee on 6.11.2020 for a period of three years but the permission was subsequently revoked on 4.4.2023 due to non-compliance with time-limited approval condition on the implementation of FSIs proposal.

## 7. **Similar Applications**

There are six similar applications involving logistics centre and/or warehouse uses within/straddling the subject “O”, “OU(PBU&SWU)” and “OU(POFEFTS)” zones in the past five years. All of them were approved with conditions by the Committee between 2019 and 2023 on similar considerations as mentioned in paragraph 6.2 above. However, four of these planning permissions were subsequently revoked due to non-compliance with approval conditions. 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) formed, paved and currently used for logistics centre use without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, warehouses, logistics centres and storage facility, 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 Intentions**

- 9.1 The planning intention of the “O” zone is 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.
- 9.2 The planning intention of the “OU(POFEFTS)” zone is primarily for the provision of parking and operational facilities (including ancillary office) for Environmentally Friendly Transport Services serving the area.

## **10. Comments from Relevant Government Departments**

- 10.1 Apart from the government departments 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 departments have adverse comment on the application.

### **Land Administration**

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
  - (a) he has grave concerns on the application since there are unauthorized building works and/or uses on Lot 146 in D.D. 125 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD;
  - (b) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing; and
  - (c) his advisory comments are at **Appendix V**.

### **Environment**

- 10.2.2 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 closest 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 complaint pertaining to the Site was received in the past three years.

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

On 18.8.2023, the application was published for public inspection. During the statutory public inspection period, one 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 warehouse for a period of three years at the Site partly zoned “O” (about 27%), “OU(PBU&SWU)” (about 19%) and “OU(POFEFTS)” (about 12%), and partly shown as ‘Road’ (about 42%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “O” and “OU(POFEFTS)” zones, the Project Manager (West), Civil Engineering and Development Department and the 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, warehouses, logistics centres and storage facility (**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 three previous planning approvals for various temporary open storage, logistics centre, warehouse and workshop uses covering different extents of the Site had been granted from 2018 to 2020. While the planning permission granted under the last application No. A/HSK/254 in 2020 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 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 applications.
- 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 28m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles and thus environmental nuisance is expected, no environmental complaint pertaining to the Site has been 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 concerns and technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Regarding DLO/YL, LandsD’s comments on unauthorized building works and/or uses on Lot 146 in D.D. 125, should the application be approved, the applicant will be advised to remedy the lease breaches

or to regularise any irregularities at the Site with LandsD.

- 12.5 Three previous approvals for various temporary open storage, logistics centre, warehouse and workshop uses had been granted for the Site between 2018 and 2020 and six 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 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 warehouse 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 **24.11.2026**. 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 implemented drainage facilities 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 **24.2.2024**;
- (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 **24.8.2024**;
- (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 "O" and "OU(POFEFTS)" zones, which are 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, and for the provision of parking and operational facilities for Environmentally Friendly Transport Services, 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**

<b>Appendix I</b>	Application Form received on 9.8.2023
<b>Appendix Ia</b>	SI received on 14.8.2023
<b>Appendix Ib</b>	FI received on 31.8.2023
<b>Appendix Ic</b>	FI received on 25.9.2023
<b>Appendix Id</b>	FI received on 26.10.2023
<b>Appendix II</b>	Relevant Extracts 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>	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 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 A-4c</b>	Site Photos