

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/496

- Applicant** : Triotech Limited represented by 海願規劃發展公司
- Site** : Various Lots in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 30,330m²
- 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”) (55.5%);
[restricted to a maximum plot ratio (PR) of 6 and a maximum building height (BH) of 140mPD]
- (ii) “Government, Institution or Community” (“G/IC”) (9.7%);
[restricted to a maximum BH of 8 storeys]
- (iii) “Open Space” (“O”) (about 4.3%)
- (iv) “Other Specified Uses” annotated “Parking and Operational Facilities for Environmentally Friendly Transport Services” (“OU(POFEFTS)”) (0.9%)¹; and
[restricted to a maximum PR of 3 and a maximum BH of 60mPD]
- (v) an area shown as ‘Road’ (about 29.6%)
- Application** : Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors 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

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

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 the open storage of containers 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 northern part of the Site (**Plans A-2 and A-3**). According to the applicant, eight areas (total area of about 8,840m²) for open storage of containers and logistics use and two areas (total area of about 2,400m²) for vehicle and container repairing and parking of tractors are provided at the Site while three existing temporary structures (one to three storeys, not more than 8m high) with a total floor area of about 1,317.5m² are used for open sheds and offices (**Drawing A-2**). A total of 36 loading/unloading spaces for heavy goods vehicles (HGVs) (each of 12m x 5m) and 12 parking spaces for private cars (each of 5m x 2.5m) are provided. A queuing area of about 1,480m² is provided at the northeastern part of the Site. The remaining areas are for circulation purposes. According to the applicant, the overall stacking height of containers would not exceed eight units at the Site. 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, fire service installations (FSIs) and proposed drainage facilities submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is involved in 11 previous planning applications for temporary open storage of containers, logistics, workshop and parking of tractors uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2020 (details at paragraph 6 below). Compared with the last application No. A/HSK/223 approved by the Committee on 12.6.2020, the current application is submitted by a different applicant for the same use at the same site with the same layout except with the addition of 36 loading/unloading spaces for HGVs.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 30.10.2023 (**Appendix I**)
 - (b) Further Information (FI) received on 11.12.2023 (**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 use at the Site have been approved by the Board since 1998. All the time-limited approval conditions under the last approved application No. A/HSK/223 have been fulfilled.
- (b) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones.

- (c) The applied use is not incompatible with the surrounding environment which are occupied by open storage and port back-up uses.
- (d) The applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental impact. No flammable goods will be stored at the Site.
- (e) The impacts in terms of environment, traffic and drainage are expected to be insignificant.

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. 31B) by publishing notice in local newspapers and sending notice to Ha Tsuen Rural Committee by registered post. 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 11 previous applications (No. A/YL-HT/43, 80, 136, 289, 430, 595, 665, 826 and 1000 and A/HSK/146 and 223) for temporary open storage of containers, logistics, workshop and parking of tractors uses covering different extents of the Site. All 11 applications were approved by the Committee between 1998 and 2020 mainly on similar considerations that the applied 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 previous application No. A/HSK/223 for the same use as the current application was approved by the Committee on 12.6.2020 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 12.6.2023.

7. Similar Applications

There are 15 similar applications involving open storage uses within/straddling the subject “R(A)2”, “G/IC” and “O” zones and area shown as ‘Road’ in the past five years. Amongst them, 14 applications were approved with conditions by the Committee between 2019 and 2023 based on similar considerations as mentioned in paragraph 6.1 above. Six of them were subsequently revoked due to non-compliance with time-limited approval conditions. The remaining application No. A/HSK/303 was rejected in 2021 on reason of insufficient information to demonstrate no adverse environmental impacts on the surrounding areas. 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 open storage of containers without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres and warehouses, 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 Site is mainly zoned “R(A)2” and “G/IC” and an area shown as ‘Road’ with minor encroachment onto the “O” and “OU(POFEFTS)” zones on the OZP. The planning intention of the “R(A)2” zone is primarily for high-density residential developments.
- 9.2 The planning intention of the “G/IC” zone 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.
- 9.3 The planning intention of the “O” zone is intended 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.

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 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 256 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) according to his record, 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 nearest residential dwelling being about 31m 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 7.11.2023, 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 temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors for a period of three years at the Site zoned “R(A)2” (about 55.5%) and “G/IC” (about 9.7%), and partly within an area shown as ‘Road’ (about 29.6%) with minor encroachment onto the “O” and “OU(POFEFTS)” zones on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(A)2”, “G/IC” and “O” zones, the Project Manager (West), Civil Engineering and Development Department and 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 used for open storage yards, logistics centres and

warehouses, with some of them covered by valid planning permissions (**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 11 previous planning approvals for similar uses covering different extents of the Site had been granted from 1998 to 2020. As compared with the last approved application No. A/HSK/223, the current application is submitted by a different applicant for the same use at the same site with the same layout except with the addition of 36 loading/unloading spaces for HGVs. 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 Commissioner for Transport, Director of Fire Services and 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 31m away) (**Plan A-2**) and the applied 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 nuisance on the nearby sensitive receivers. To address the 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 256 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 There are 11 previous approvals for similar uses granted for the Site between 1998 and 2020 and 14 similar applications approved by the Committee between 2019 and 2023. Approval of the current application is generally in line with the previous decisions of the Committee.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary open storage of containers with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors 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 **22.12.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 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 existing 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 **22.3.2024**;
- (e) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.2.2024**;
- (f) 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 **22.6.2024**;
- (g) 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 **22.9.2024**;
- (h) 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
- (i) if any of the above planning condition (d), (e), (f) or (g) 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 "R(A)2", "G/IC" and "O" zones which are primarily for high-density residential developments; 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; and for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residential as well as the general public, 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

Appendix I	Application Form received on 30.10.2023
Appendix Ia	FI received on 11.12.2023
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	'Good Practice for Open Storage Sites' by the Fire Services Department
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	FSIs Plan
Drawing A-4	Proposed Drainage 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 and 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**