

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/501

- Applicant** : Honest Board Development Limited represented by Metro Planning and Development Company Limited
- Site** : Various Lots in D.D. 128 and D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, N.T.
- Site Area** : About 17,256m² (including GL of about 398m² or 2.3%)
- 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 77%);
(ii) “Residential (Group B)2” (“R(B)2”) (about 10.8%);
[restricted to a maximum plot ratio of 2.5 and a maximum building height (BH) of 60mPD]
(iii) “Government, Institution or Community” (“G/IC”) (about 0.2%)¹; and
[restricted to a maximum BH of 8 storeys]
(iv) area shown as ‘Road’ (about 12%)
- Application** : Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

1.1 The applicant seeks planning permission for 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 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’ also 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 Lau Fau Shan Road via a local track, and the ingress/egress point is at the eastern corner of the Site (**Plans A-2 and A-3**).

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

According to the applicant, two existing temporary structures (one to two storeys, not more than 13m high) with a total floor area of about 18,200m² are used for logistics centre. Eight other temporary structures (one to three storeys, not more than 3m to 9m high) with a total floor area of not more than 372m² are used for site offices, pump room, electricity meter rooms, guard rooms and toilets. Four loading/unloading (L/UL) spaces for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) and four L/UL spaces for container trailers/tractors (each of 16m x 3.5m) are provided (**Drawing A-2**). According to the applicant, the operation hours are from 7:00 a.m. to 11:00 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 as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in six previous applications including two applications for temporary logistics centre uses which were approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2022 respectively (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/338 approved by the Committee on 22.4.2022, the current application is submitted by the same applicant for the same applied use at the same 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/338) (a)	Current Application (A/HSK/501) (b)	Difference (b) – (a)
Applied Use	Temporary Logistics Centre for a Period of 3 Years		No change
Site Area	About 17,256m ²		No change
Total Floor Area	About 12,272m ²	Not more than 18,572m ²	+6,300m²
No. of Structures	5 (logistics centres, pump room and toilets)	10 (logistics centres, site offices, pump room, electricity meter rooms, guard rooms and toilets)	+5
Building Height	Not more than 3m to 13 high		No change in BH
No. of L/UL Space	4 for M/HGVs (each of 11m x 3.5m) 4 for container trailers/tractors (each of 16m x 3.5m)		No change
Operation Hours	from 7:00 a.m. to 11:00 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 17.1.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 22.1.2024 (Appendix Ia)
- (c) Further Information (FI) received on 6.2.2024* (Appendix Ib)
- (d) FI received on 27.3.2024* (Appendix Ic)
- (e) FI received on 19.4.2024* (Appendix Id)

**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 SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) Two previous applications for the same applied use have been approved by the Board at the Site since 2019. The current application has a different layout compared with the last approved application No. A/HSK/338.
- (b) The development conforms with the relevant Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The applied 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 applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones. The impacts on environment, traffic and drainage are expected to be insignificant. No recycling, cleaning, repairing, dismantling and workshop activity will be carried out 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. 31B) by publishing notices 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. 31B 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 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 six previous applications covering different extents of the Site. Amongst them, two applications (No. A/HSK/160 and 338) for temporary logistics centre were approved by the Committee in 2019 and 2022 respectively mainly on similar considerations that the applied use was 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, both 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 boundaries are shown on **Plan A-1b**.
- 6.2 The other four applications (No. A/YL-HT/99, 166, 268 and 690) for various temporary open storage uses were all approved by the Committee between 1999 and 2011. The considerations for these applications are not relevant to the current application which is for a different use.
- 6.3 The last previous application No. A/HSK/338 for the same applied use as the current application was approved by the Committee on 22.4.2022 for a period of three years but the permission was subsequently revoked on 22.1.2024 due to non-compliance with time-limited approval condition regarding the implementation of FSIs proposal.

7. Similar Applications

There are 14 similar applications for temporary logistics centre within/straddling the subject “O” and “R(B)2” zones and area shown as ‘Road’ in the past five years. 13 of them were approved with conditions by the Committee between 2019 and 2024 based on similar considerations as mentioned in paragraph 6.1 above. The remaining application was rejected by the Committee in 2020 for reason of repeated revocations. 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 a local track; and
 - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres, warehouses, vehicle repair workshop and storage facility, and some parking of vehicles. 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 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 “R(B)” zone is primarily for medium-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 uses in the vicinity of the site (the nearest residential dwelling being about 16m 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 26.1.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VI**) objecting to the application mainly on the grounds that the approval conditions under the previous application have not yet been complied with thus causing potential safety and health risks to the community.

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre for a period of three years at the Site partly zoned “O” and “R(B)2”, and partly shown as ‘Road’. Whilst the applied use is not in line with the planning intentions of the “O” and “R(B)” 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, logistics centres, warehouses, vehicle repair workshop and storage facility, and some parking of vehicles (**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 two previous planning approvals for logistics centre use had been granted in 2019 and 2022 respectively. While the planning permission granted under the last application No. A/HSK/338 was revoked due to non-compliance with the time-limited approval conditions regarding the implementation of FSIs proposal, relevant proposals have been submitted in the current application. The Director of Fire Services have no objection to the application and considers the submitted FSIs proposal acceptable. 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 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 16m 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.
- 12.5 Given that two previous approvals for temporary logistics centre use had been granted for the Site in 2019 and 2022 respectively and 13 similar applications had been approved by the Committee in 2019 and 2024, approval of the current application is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment objecting to 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 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 **24.5.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 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) the existing drainage facilities on the site 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 **24.8.2024**;
- (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 **24.2.2025**;
- (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 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 "R(B)" zones which are primarily for 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 medium-density residential developments 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 17.1.2024
Appendix Ia	SI received on 22.1.2024
Appendix Ib	FI received on 6.2.2024

Appendix Ic	FI received on 27.3.2024
Appendix Id	FI received on 19.4.2024
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	Proposed Layout Plan
Drawing A-3	FSIs Plan
Drawing A-4	As-built 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 to A-4c	Site Photos

**PLANNING DEPARTMENT
MAY 2024**