

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/502

- Applicant** : Profit Richest Investment 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 4,699m² (including about 190m² of GL (about 4%))
- 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)3” (“R(A)3”) (about 73.3%);
[restricted to a maximum plot ratio (PR) of 5.5 and a maximum building height (BH) of 140mPD]
- (ii) “Open Space” (“O”) (about 11.3%); and
- (iii) area shown as ‘Road’ (about 15.4%)
- Application** : Temporary Logistics Centre with Ancillary Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre with ancillary site office 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 Ping Ha Road via a local track, and the ingress/egress point is at the southern part of the Site (**Plans A-2 and A-3**). According to the applicant, a three-storey temporary structure (not more than 10m high) with a floor area of about 6,020m² is used for logistics centre. Two other temporary structures

(one to two storeys, not more than 3.5m to 7.5m high) with a total floor area of not more than 198m² at the southern part of the Site are used for ancillary site office, pump room, water tank and toilet. Two loading/unloading spaces for light goods vehicles (LGVs) (each of 7m x 3.5m) and two loading/unloading spaces for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) are provided (**Drawing A-1**). 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 site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site is involved in 15 previous applications for various temporary open storage, logistics centre, public vehicle park and/or vehicle repair workshop with/without ancillary site office uses, of which 14 were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2020 while one application was rejected by the Committee in 1997 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/219 approved by the Committee on 12.6.2020, the current application is submitted by the same applicant for the same applied use with a similar layout 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/219) (a)	Current Application (A/HSK/502) (b)	Difference (b) – (a)
Applied Use	Renewal of Planning Approval for Temporary Logistics Centre with Ancillary Office for a Period of 3 Years	Temporary Logistics Centre with Ancillary Site Office for a Period of 3 Years	No change in the applied use
Site Area	About 4,699m ²		No change
Total Floor Area	About 3,648m ²	Not more than 6,218m ²	+2,570m² (+70%)
No. of Structures	3 (logistics centre, site office, water tank, pump room and toilet)		No change
Building Height	Not more than 3.5m to 10 high (1 to 2 storeys)	Not more than 3.5m to 10 high (1 to 3 storeys)	No change in BH but addition of two floors within the logistics centre
No. of Loading/Unloading Space	2 for LGV (each of 7m x 3.5m) 2 for M/HGVs (each of 11m 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 22.1.2024 (Appendix I)
- (b) Further Information (FI) received on 6.2.2024* (Appendix Ia)
- (c) FI received on 22.2.2024* (Appendix Ib)
- (d) FI received on 8.3.2024* (Appendix Ic)

*[*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 at **Appendix I**. They can be summarised as follows:

- (a) A number of previous applications have been approved by the Board at the Site since 1998. The current application is to provide additional floor area in the logistics centre when compared with the last approved application No. A/HSK/219. All time-limited approval conditions of the previous application have been fulfilled.
- (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. All existing trees on the Site will be preserved. The impacts on 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 posting site notice and sending notice to Ha Tsuen Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPG 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 15 previous applications for various temporary open storage, logistics centre, public vehicle park and/or vehicle repair workshop with/without ancillary site office uses covering different extents of the Site. Amongst them, 14 applications (No. A/YL-HT/38, 73, 155, 231, 270, 422, 587, 650, 697, 762, 830, 990 and 1078 and A/HSK/219), including the latter three applications involving logistics centre with ancillary site office use, were approved by the Committee between 1998 and 2020 mainly on similar considerations that the applied/proposed uses were not incompatible with the surrounding areas and there were no major adverse comments from concerned government departments. However, six 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 earlier application No. A/YL-HT/26 for proposed public car park on a permanent basis was rejected by the Committee in 1997. The considerations for this application are not relevant to the current application which is for a different use.
- 6.3 The last previous application No. A/HSK/219 for the same applied 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 15.7.2023.

7. Similar Applications

There are ten similar applications for temporary logistics centre use within/straddling the subject “R(A)3” and “O” zones in the past five years. All of them were approved with conditions by the Committee between 2019 and 2023 based on similar considerations as mentioned in paragraph 6.1 above. Three of the planning approvals 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-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 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 centre, vehicle repair workshops and warehouse intermixed with some residential dwellings. 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 “R(A)3” zone is primarily for high-density residential developments.
- 9.2 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 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 24m 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 30.1.2024, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) expressing views on the application that reason for the delay in applying the current application should be provided.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary logistics centre with ancillary site office for a period of three years at the Site partly zoned “R(A)3” (about 73.3%) and “O” (about 11.3%), and partly shown as ‘Road’ (about 15.4%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(A)3” 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 open storage yards, logistics centre, vehicle repair workshops and warehouse intermixed with some residential dwellings (**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 three previous planning approvals involving logistics centre use had been granted from 2016 to 2020. For the last approved application, all approval conditions have been complied with. The current application is submitted by the same applicant for the same applied use at the same site with a similar layout. In this regard, sympathetic consideration may be given to this application.
- 12.4 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 24m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles 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 nuisance 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 involving logistics centre use had been granted for the Site between 2016 and 2020 and ten similar applications had been approved by the Committee in the past five years, approval of the current application is generally in line with the previous decisions of the Committee.
- 12.6 A public comment expressing views 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 with ancillary site office 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 **15.3.2027**. 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 or 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 **15.6.2024**;
- (e) the submission of a 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 **15.9.2024**;
- (f) in relation to (e) above, the implementation of the 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 **15.12.2024**;
- (g) 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
- (h) if any of the above planning condition (d), (e) or (f) 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 "R(A)3" and "O" zones which are primarily for high-density residential developments 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 22.1.2024
Appendix Ia	FI received on 6.2.2024
Appendix Ib	FI received on 22.2.2024
Appendix Ic	FI received on 8.3.2024
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	Proposed Layout Plan
Drawing A-2	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 4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**