

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

**APPLICATION NO. A/HSK/505**

- Applicant** : Profit Richest Investment Limited represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 7,065m<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) “Government, Institution or Community” (“G/IC”) (about 47%);  
(ii) “Residential (Group A)4” (“R(A)4”) (about 18%);  
*[restricted to a maximum plot ratio of 5 and a maximum building height (BH) of 120mPD]*  
(iii) “Open Space” (“O”) (about 2%)<sup>1</sup>; and  
(iv) area shown as ‘Road’ (about 33%)
- 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’ 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 three ingress/egress points are at the northern part of the Site (**Plans A-2 and A-3**). According to the applicant, three existing temporary structures (one to two storeys, not more than 11m high) with a total floor area of about 4,585m<sup>2</sup> are used for

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<sup>1</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

logistics centre. 11 other temporary structures (one to two storeys, not more than 3m to 8m high) with a total floor area of not more than 403m<sup>2</sup> at the northern part of the Site are used for site offices, pump room, electricity meter rooms, guard rooms and toilets. Four loading/unloading spaces for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) are provided (**Drawing A-2**). 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 the access leading to the Site, site layout and proposed drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in 19 previous applications including five applications for temporary logistics centre uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2012 and 2020 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/229 approved by the Committee on 10.7.2020, 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:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/229) (a)</b>	<b>Current Application (A/HSK/505) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Renewal of Planning Approval for Temporary Logistics Centre for a Period of 3 Years	Temporary Logistics Centre with Ancillary Site Office for a Period of 3 Years	<b>No change in the applied use</b>
Site Area	About 7,065m <sup>2</sup>		<b>No change</b>
Total Floor Area	About 4,908m <sup>2</sup>	Not more than 4,988m <sup>2</sup>	<b>+80m<sup>2</sup></b>
No. of Structures	12 (logistics centres, site offices, pump room, electricity meter rooms, guard rooms and toilets)	14 (logistics centres, site offices, pump room, electricity meter rooms, guard rooms and toilets)	<b>+2</b>
Building Height	Not more than 3m to 11 high (1 to 2 storeys)		<b>No change in BH</b>
No. of Loading/Unloading Space	4 for M/HGVs (each of 11m x 3.5m)		<b>No change</b>
Operation Hours	from 7:00 a.m. to 11:00 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 30.1.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 2.2.2024 (**Appendix Ia**)

(c) Further Information (FI) received on 27.2.2024

(Appendix Ib)

*[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) Four previous applications for the same applied use have been approved by the Board at the Site since 2014. The current application is to provide additional floor area when compared with the last approved application No. A/HSK/229. 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. The impacts on environment, traffic and drainage are expected to be insignificant. No cutting, dismantling, cleansing, repairing, compaction, vehicle repair 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 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.

## **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 19 previous applications covering different extents of the Site. Amongst them, five applications (No. A/YL-HT/773, 922 and 978 and A/HSK/11 and 229) for temporary logistics centre were approved by the Committee

between 2012 and 2020 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, 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 boundaries are shown on **Plan A-1b**.

- 6.2 As for the other 14 applications for various temporary open storage or storage uses, 13 applications (No. A/YL-HT/7, 82, 341, 348, 394, 427, 509, 554, 666, 700, 818, 872 and 910) were approved by the Committee/the Board upon review between 1996 and 2014, while application No. A/YL-HT/648 was rejected by the Committee in 2009. 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/229 for the same applied use as the current application was approved by the Committee on 10.7.2020 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 25.8.2023.

## **7. Similar Applications**

There are two similar applications for temporary logistics centre within/straddling the subject “G/IC” and “R(A)4” zones in the past five years. Both of them were approved with conditions by the Committee in 2022 based on similar considerations as mentioned in paragraph 6.1 above. 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 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 “G/IC” zone is primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory.
- 9.2 The planning intention of the “R(A)” zone is primarily for high-density residential developments.

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

All 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.

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

On 6.2.2024, 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 logistics centre for a period of three years at the Site partly zoned “G/IC” and “R(A)4”, and partly shown as ‘Road’. Whilst the applied use is not in line with the planning intentions of the “G/IC” and “R(A)” zones, 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 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 five previous planning approvals involving logistics centre uses had been granted from 2012 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 There is no adverse comment from the concerned government departments including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application regarding environmental, traffic, fire safety and drainage aspects respectively. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 13.2 below.
- 12.5 Given five previous approvals for temporary logistics centre use had been granted for the Site between 2012 and 2020 and two similar applications had been approved by the Committee in 2022, 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 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 **15.3.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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**;
- (c) 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**;
- (d) in relation to (c) 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**;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 "G/IC" and "R(A)" zones which are primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory and for high-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**

<b>Appendix I</b>	Application Form received on 30.1.2024
<b>Appendix Ia</b>	SI received on 2.2.2024
<b>Appendix Ib</b>	FI received on 27.2.2024
<b>Appendix II</b>	Relevant Extract 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>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Drainage 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 4c</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2024**