

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/510

- Applicant** : Alpha Star Enterprises Limited represented by R-riches Property Consultants Limited
- Site** : Various Lots in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 18,505m² (including GL of about 605m² or 3.3%)
- 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) “Government, Institution or Community” (“G/IC”) (about 44%);
[restricted to a maximum building height (BH) of 8 storeys]
- (ii) “Residential (Group B) 2” (“R(B)2”) (about 26%);
[restricted to maximum plot ratio of 2.5 and a maximum BH of 90mPD]
- (iii) “Open Space” (“O”) (about 10%); and
- (iv) area shown as ‘Road’ (about 20%)
- Application** : Temporary Logistic Centre with Ancillary Office and Canteen for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre with ancillary office and canteen for a period of three years to 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 located at the north-eastern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, a two-storey temporary structure (about 12m high) with a floor area of about 16,287m² is used for logistics centre. Seven other temporary structures (one to two storeys, about 3m to 6.2m high) with a total floor area of about 1,472m² are used for site offices, staff canteen, rain shelter and water tank. Three 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 vehicles (each of 16m x 3.5m) are provided (**Drawing A-2**). The operation hours are from 7:00 a.m. to 9:00 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 eight previous applications including three applications for temporary logistics centre uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2018 and one application for temporary logistics centre uses rejected by the Committee in 2020 (details at paragraph 6 below) (**Plan A-1b**). Compared with the last application No. A/HSK/249 rejected by the Committee on 9.10.2020, the current application is submitted by a different applicant for the same applied use at a smaller site.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/59) (a)	Current Application (A/HSK/510) (b)	Difference (b) - (a)
Applied Use	Proposed Temporary Logistics Centre for a Period of 3 Years	Temporary Logistic Centre with Ancillary Office and Canteen for a Period of 3 Years	Same applied use
Site Area	About 22,550m ²	About 18,505m ²	-4,045m ²
No. of Structures	5	8	+3
Total Floor Area	16,935m ²	17,759m ²	+824m ² (+4.9%)
Building Height	1 to 2 storeys, not exceeding 13m	1 to 2 storeys, about 3m to 12m	Lower in maximum BH
No. of L/UL Space	• 6 for M/HGVs • 4 for container vehicles/tactors	• 3 for M/HGVs • 4 for container vehicles	-3 for M/HGVs
Operation Hours	from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays	from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays	Shorter operation hours

- 1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 8.3.2024 (**Appendix I**)
- (b) Further Information (FI) received on 25.4.2024* (**Appendix Ia**)
- (c) FI received on 24.5.2024* (**Appendix Ib**)

**accepted and exempted from publication and recounting requirements*

- 1.6 On 19.4.2024, 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) A number of previous applications for logistics centre use have been approved by the Board at the Site.
- (b) The applied use is not incompatible with the surrounding environment. Similar planning applications for the same applied use 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. Adequate mitigation measures have been provided. No storage of recyclable materials, dismantling, assembling, repairing and other 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 sending notice to Ping Shan Rural Committee by registered post. 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 subject to an active planning enforcement case (No. E/YL-HSK/110) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice (EN) was issued on 29.1.2024 to the concerned parties requiring discontinuation of the UD. The latest site inspection revealed that the UD still continued upon the expiry of notice. The Planning Authority will consider to instigate prosecution action.

6. Previous Applications

- 6.1 The Site is involved in eight previous applications covering different extents of the Site. Amongst them, three applications (No. A/YL-HT/934 and A/HSK/7 and 59) for temporary logistics centre were approved by the Committee in 2015 and 2018 mainly on similar considerations that the proposed/applied uses were not incompatible with

the surrounding areas; generally in line with the relevant TPB PG-No.13 and having no major adverse comments from concerned government departments. However, all of them were subsequently revoked due to non-compliance with the time-limited approval conditions. The last application No. A/HSK/249 was rejected by the Committee on 9.10.2020 for the reason that three previous planning permissions granted for the Site by the Board were revoked due to non-compliance with the approval conditions. Approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications and thus nullifying the statutory planning control mechanism. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1**.

- 6.2 Compared with the last application No. A/HSK/249, the current application is submitted by a different applicant for the same applied use at a smaller site.
- 6.3 The other four applications (No. A/YL-HT/99, 166, 268 and 690) for various temporary open storage uses were 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.

7. Similar Applications

There are 16 similar applications involving logistics centre use within/straddling the subject “R(B)2”, “G/IC” and “O” zones and area shown as ‘Road’ in the past five years. All the applications were approved with conditions by the Committee between 2019 and 2024 based on similar considerations as mentioned in paragraph 6.1 above. However, 11 of them 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) currently used for the applied use without valid planning permission; and
 - (b) accessible from Lau Fau Shan Road via local track (**Plan A-2**).
- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres, warehouse, vehicle repair workshop and storage facility. 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(B)” zone is primarily for medium-density residential developments, whereas 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 residential as well as the general public.

9.3 The concerned area shown as 'Road' is reserved for a local access road.

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 45m 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 Comments Received During Statutory Publication Period

On 15.3.2024, 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 there are repeated non-compliance with approval conditions under the previous applications.

12. Planning Considerations and Assessment

12.1 The application is for temporary logistics centre with ancillary office and canteen for a period of three years at the Site partly zoned "G/IC" (about 44%), "R(B)2" (about 26%) and "O" (about 10%), and partly shown as 'Road' (about 20%) on the OZP. Whilst the applied use is not in line with the planning intentions of the "G/IC", "R(B)" and "O" zones and area shown as 'Road', relevant departments including 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, warehouse, vehicle repair workshop and storage facility, some of these uses are 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 three previous planning approvals (applications No. A/YL-HT/934 and A/HSK/7 and 59) for logistics centre use had been granted in 2015 and 2018. While the three previous approvals were subsequently revoked due to non-compliance with different time-limited approval conditions and the last application No. A/HSK/249 was rejected by the Committee for the reason of repeated revocations, the current application is submitted by a different applicant and relevant proposals have been submitted in the current application, including a drainage proposal and a FSI's proposal and information regarding the implementation of the FSI's proposals including certificates demonstrating the applicant has made a permanent connection of a supply of fresh water to the Site for the purpose of fire fighting (**Appendix Ia**). Besides, the applicant is currently carrying out the implementation works of the required FSI's. The Director of Fire Services has no objection to the application. The Chief Engineer/Mainland North, Drainage Services Department and Chief Town Planner/Urban Design and Landscape, Planning Department also have no in-principle objection to or no adverse comment on 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 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 45m 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' 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 Three previous approvals for temporary logistics centre use were granted for the Site in 2015 and 2018 and 16 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 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 with ancillary office and canteen 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 **21.6.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage impact assessment within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **21.12.2024**;
- (b) in relation to (a) above, the implementation of the mitigation measures identified in the drainage impact assessment within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **21.3.2025**;
- (c) in relation to (b) above, the implemented drainage facilities within the site shall be maintained at all times during the planning approval period;
- (d) 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 **21.12.2024**;
- (e) in relation to (d) above, 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 **21.3.2025**;
- (f) if the above planning condition (c) is not complied with during the 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 (a), (b), (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:

three previous planning permissions granted on the Site by the Board were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

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 8.3.2024
Appendix Ia	FI received on 25.4.2024
Appendix Ib	FI received on 24.5.2024
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	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 A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**