

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

**APPLICATION NO. A/HSK/515**

- Applicant** : Skywin International Development Limited represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 8,910m<sup>2</sup> (including GL of about 1,196m<sup>2</sup> or 13%)
- 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
- Zoning** : (i) “Government, Institution or Community” (“G/IC”) (about 75%); and  
*[restricted to maximum building heights of 8 storeys and 50mPD]*  
(ii) area shown as ‘Road’ (about 25%)
- 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), which falls within an area largely zoned “G/IC” and partly shown as ‘Road’ on the OZP (**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). 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 southwestern part of the Site (**Plans A-2 and A-3**). According to the applicant, a temporary structure with one to two storeys (not more than 11m in height) and a total floor area of about 9,500m<sup>2</sup> is used for logistics centre. Four other temporary structures (one to two storeys, not more than 3m to 7m in height) with a total floor area of not more than 375m<sup>2</sup> at the southern part of the Site are used for site office, electricity meter room, water tank and pump room, guard room, staff room and toilet. Four loading/unloading spaces (L/UL) for medium/heavy goods vehicles (M/HGVs) (each of 11m x 3.5m) and four L/UL spaces for

container trailers (each of 16m x 3.5m) are provided (**Drawing A-2**). No workshop activity will be carried out at the Site. 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, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in nine previous applications including three applications for temporary logistics centre, which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2022 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/345 approved by the Committee on 14.1.2022, 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/345) (a)</b>	<b>Current Application (A/HSK/515) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Temporary Logistics Centre for a Period of 3 Years		<b>No change</b>
Site Area	About 8,910m <sup>2</sup>		<b>No change</b>
Total Floor Area	About 11,515m <sup>2</sup>	Not more than 9,875m <sup>2</sup>	<b>-1,640m<sup>2</sup> (-14.2%)</b>
No. of Structures	5 (logistics centre, site office, electricity meter room, water tank and pump room, guard room, staff room and toilet)		<b>No change</b>
Building Height	Not more than 3m to 11m (1 to 2 storeys)		<b>No change</b>
No. of L/UL Spaces	4 for M/HGVs (each of 11m x 3.5m)  4 for container trailers (each of 16m 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 8.4.2024 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 9.4.2024 (**Appendix Ia**)
  - (c) Further Information (FI) received on 18.4.2024\* (**Appendix Ib**)
  - (d) FI received on 11.6.2024\* (**Appendix Ic**)
  - (c) FI received on 2.10.2024\* (**Appendix Id**)

*\*accepted and exempted from publication and recounting requirements*

- 1.6 On 7.6.2024 and 2.8.2024, the Committee of the Board agreed to defer making a decision on the application for two months each 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) Three previous applications for the same applied use have been approved by the Board at the Site since 2016. The current application is to reflect the latest condition of the Site.
- (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.

## **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 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 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 nine previous applications covering different extents of the Site. Amongst them, three applications (No. A/YL-HT/1043 and A/HSK/173 and 345) for temporary logistics centre were approved by the Committee between 2016 and 2022 mainly on similar considerations that the proposed use/applied use was

not incompatible with the surrounding areas; being 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 six applications for various temporary open storage and container trailer park uses, all of them (No. A/YL-HT/62, 139, 257, 411, 425 and 663) were approved by the Committee between 1998 and 2010. 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/345 submitted by the same applicant for the same applied use as the current application was approved by the Committee on 14.1.2022 for a period of three years but the permission was subsequently revoked on 14.7.2023 due to non-compliance with time-limited approval conditions regarding the submission and implementation of FSIs proposal.

## **7. Similar Applications**

There are five similar applications for temporary logistics centre within/straddling the subject “G/IC” zone and area shown as ‘Road’ in the past five years. All of them were approved with conditions by the Committee between 2020 and 2024 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-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 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 concerned area shown as ‘Road’ is reserved for the proposed widening of Ping Ha Road and for a proposed local road.

## **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 comments on or do not support the application.

### **Land Administration**

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) he has reservation on the application since there is unauthorized structure(s) on Lot 3172 RP in D.D. 129 which is already subject to lease enforcement actions according to case priority. The lot owner should rectify and/or apply for regularization of the lease breaches as demanded by LandsD;
  - (b) there is no lease modification/land exchange application 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):
- (d) he does not support the application because there are sensitive uses in the vicinity of the site (the nearest residential dwelling being about 68m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected; and
  - (e) no environmental complaints pertaining to the Site were received in the past three years.

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

On 16.4.2024, the application was published for public inspection. During the statutory public inspection period, a 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.

## **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” (about 75%) and partly shown as ‘Road’ (about 25%). Whilst the applied use is not in line with the planning intentions of the “G/IC” zone and area shown as ‘Road’, the Site is under Remaining Phase development of HSK/HT NDA and 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 the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and three previous planning approvals for temporary logistics centre had been granted from 2016 to 2022. While the planning permission granted under the last application No. A/HSK/345 in 2022 was revoked due to non-compliance with the time-limited approval conditions regarding the submission and implementation of FSIs proposal, relevant FSIs proposal has been submitted in the current application. The Director of Fire Services has no objection to the application and considers the submitted FSIs proposal acceptable. In this regard, sympathetic consideration may be given to the application. Should the application be approved, 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 application.
- 12.4 The Commissioner for Transport 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 of the Site (the nearest residential dwelling being about 68m 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 the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Regarding DLO/YL, LandsD's comments on unauthorized structure(s) on Lot 3172 RP in D.D. 129, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 Three previous approvals for temporary logistics centre were granted for the Site between 2016 and 2022 and five similar applications had been approved by the Committee in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 12.7 Regarding the public comment objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.6 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 applied use 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 **22.11.2027**. 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 **22.2.2025**;
- (c) 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 **22.8.2025**;
- (d) 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
- (e) if any of the above planning condition (b) or (c) 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" zone and area shown as 'Road' 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 reserved for proposed road 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 8.4.2024
<b>Appendix Ia</b>	SI received on 9.4.2024
<b>Appendix Ib</b>	FI received on 18.4.2024
<b>Appendix Ic</b>	FI received on 11.6.2024
<b>Appendix Id</b>	FI received on 2.10.2024
<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>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs 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 4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2024**