

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/520

- Applicant** : Wah Tung Thai Logistics Company Limited
- Site** : Various Lots in D.D.129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 4,111 m²
- 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 52%); and
[restricted to a maximum building height of 8 storeys]

(ii) area shown as ‘Road’ (about 48%)
- Application** : Renewal of Planning Approval for Temporary Logistic Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to continue using the application site (the Site) for temporary logistics centre and ancillary tyre repair workshop for a further period of three years (**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 logistics centre use with valid planning permission under application No. A/HSK/307 until 3.7.2024.
- 1.2 The Site is abutting Ping Ha Road, and the ingress/egress point is at the western part of the Site (**Drawing A-1, Plan A-2 and A-3**). According to the applicant, five existing temporary structures (one to two storeys, not more than 7.5m high) with a total floor area of about 2,701m² are used for warehouse, site office, tyre repair workshop, sprinkler water tank and fire services pumps. Two parking spaces for heavy goods vehicles (each of 15.2m x 3.5m) and two parking spaces for container vehicles (each of 16m 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, fire service installations (FSIs) and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in nine previous applications including five applications for temporary logistics centre and ancillary tyre repair workshop which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2013 and 2021 (details at paragraph 6 below) (**Plan A-1b**). Compared with the last application No. A/HSK/307 approved with conditions on 25.6.2021, the current application is submitted by the same applicant for the same use with the same layout at the same site.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 3.5.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 8.5.2024 (**Appendix Ia**)

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) The current application is to seek renewal of planning approval under the last approved application No. A/HSK/307 for the same use with the same layout approved by the Board which is valid until 3.7.2024.
- (b) All the time-limited approval conditions of the previous application relating to drainage facilities, run-in/out, landscape and tree preservation, FSIs and provision of fencing had been complied with.
- (c) The Site is far away from residential area and therefore the development would not cause disturbance to the general public. The applicant will continue to keep the site conditions as good as the previously approved application.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the “current land owners” and 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

- 4.1 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**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant

assessment criteria are at **Appendix III**.

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, five applications (No. A/YL-HT/808, 898 and 958 and A/HSK/68 and 307) for temporary logistics centre and ancillary tyre repair workshop were approved by the Committee in 2013 and 2021 mainly on similar considerations that the 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, one of the planning permissions was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix IV** and their boundaries are shown on **Plan A-1b**.
- 6.2 The other four applications (No. A/YL-HT/399, 440, 564 and 607) for temporary warehouse use were all approved by the Committee between 2005 and 2009. The considerations for these applications are not relevant to the current application which is for a different use.
- 6.3 The last application No. A/HSK/307 was approved with conditions by the Committee on 25.6.2021 for a period of three years with validity up to 3.7.2024. All time-limited conditions have been complied with.

7. Similar Applications

There are five similar applications for temporary logistics centre use within/straddling the subject “G/IC” zone on the OZP in the past five years. All of them were approved with conditions by the Committee between 2019 and 2023 based on similar considerations as stated 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 in **Appendix IV** and their locations are shown on **Plan A-1a**.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4)

- 8.1 The Site is:
 - (a) directly accessible to Ping Ha Road; and
 - (b) currently used for logistics centre use with valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by logistics centres, open storage yard, storage facilities, 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 “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 proposed road (i.e. Road D2).

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 V and VI** 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 64m away) (**Plan A-2**) and the applied uses involve 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 10.5.2024, 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 renewal of planning approval for temporary logistics centre and ancillary tyre repair workshop for a period of three years at the Site partly zoned “G/IC” (52%) and partly shown as ‘Road’ (48%) on the OZP. Whilst the applied uses are not in line with the planning intentions of the “G/IC” zone and area shown as ‘Road’, relevant departments including 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 uses are considered not incompatible with the surrounding land uses which are predominantly occupied by logistics centres, open storage yard, storage facilities, workshops and warehouse intermixed with some residential dwellings

(Plan A-2).

- 12.3 The applied uses are generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and previous planning approvals for temporary logistics centre and ancillary tyre repair workshop uses had been granted from 2013 to 2021. As compared with the last approved application No. A/HSK/307, the current application is submitted by the same applicant for the same use with the same layout and development parameters at the same site. All time-limited conditions under the last planning permission have been complied with. In this regard, sympathetic consideration may be given to the application.
- 12.4 The application is considered generally in line with TPB PG-No. 34D in that there is no major change in planning circumstances; all approval conditions under the previous approval have been complied with; there is no adverse departmental comment on the renewal application and the three-year approval period sought which is the same as the last approval granted by the Committee is not unreasonable.
- 12.5 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 64m away) **(Plan A-2)** and the applied uses involve 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.
- 12.6 Five previous approvals for temporary logistics centre and ancillary tyre repair workshop uses had been granted for the Site in 2013 and 2021 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.

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 and ancillary tyre repair workshop could be tolerated for a further 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, and be renewed **from 4.7.2024 to 3.7.2027**. 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 existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;

- (c) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.10.2024**;
- (d) if any of the above planning condition (a) or (b) 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 the above planning condition (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.

[Approval conditions (a), (b) and (c) are the same as those under the permission for application No. A/HSK/307; approval condition on restriction on queuing back and reversing movement of vehicles has been incorporated in the advisory clauses, whereas approval conditions on restriction on workshop activity, maintenance of existing trees and landscape planting and maintenance of existing fencing have been removed as per the latest practice.]

Advisory clauses

The Recommended Advisory Clauses are attached at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of the application.

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 3.5.2024
Appendix Ia	SI received on 8.5.2024
Appendix II	Relevant Extract of TPB PG-No. 13G
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	FSIs Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan

Plan A-2

Plan A-3

Plan A-4

Site Plan

Aerial Photo

Site Photos

PLANNING DEPARTMENT
JUNE 2024