

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/522

- Applicant** : Mr. WONG Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 2959 (Part), 2963 (Part), 3086 (Part), 3087 (Part), 3088 S.A, 3088 S.B (Part), 3089, 3090, 3091 and 3098 S.A (Part) in D.D. 129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 4,800m² (including about 26m² of GL (about 0.5%))
- 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 93.6%);
[restricted to a maximum building height (BH) of 8 storeys]
- (ii) “Open Space” (“O”) (about 5.5%); and
- (iii) “Residential (Group B) 2” (“R(B)2”) (about 0.9%)¹
[restricted to maximum plot ratio of 2.5 and a maximum BH of 90mPD]
- 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 at the Site 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 Lau Fau Shan Road via a local track, and the ingress/egress point is at the northern corner of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the existing two-storey temporary structure (not exceeding 13m high) with a total floor area of not more than 5,350m² is used

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

for logistics centre. Five other one to two storeys temporary structures (not exceeding 3m to 7m high) with a total floor area of not more than 510m² are used for site offices, electricity meter room and pump room. Three 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 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, the proposed layout, as-built drainage facilities and proposed fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in 12 previous applications including six applications for temporary logistics centre use, of which five were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2023 while one application was rejected by the Committee in 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/450 approved by the Committee on 9.6.2023, the current application is submitted by the same applicant for the same use at a larger site. A comparison of the major development parameters of application No. A/HSK/450 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/450) (a)	Current Application (A/HSK/522) (b)	Difference (b) – (a)
Applied Use	Temporary logistics centre for a period of 3 years		No change
Site Area	About 4,220m ²	About 4,800m ²	+580m² (+14%)
Total Floor Area	Not more than 4,850m ²	Not more than 5,860m ²	+1,010m² (+21%)
No. of Structures	4 (logistics centre, guard room, toilet and pump room)	6 (logistics centre, site offices, electricity meter room, pump room)	+2 (+50%)
Building Height	Not more than 13m (1 to 2 storeys)		No change
No. of Loading/Unloading Space	3 for M/HGVs (each of 11m x 3.5m)		No change
Operation Hours	from 7:00 a.m. to 9:00 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 16.5.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 20.5.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 3.6.2024* (**Appendix Ib**)
 - (d) FI received on 29.7.2024* (**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 and SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) Two previous applications for temporary logistics centre have been approved by the Board at the Site. The current application is to include additional temporary structures when compared with the last approved application No. A/HSK/450. The last approved application was revoked since more time is required to obtain water supply for the FSIs.
- (b) The application 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.
- (d) The impacts in terms of environment, noise, traffic and drainage are expected to be insignificant.
- (e) No recycling, cleaning, repairing, dismantling work and workshop activities 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 Ping Shan Rural Committee. 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 extracts of the Guidelines are 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 12 previous applications covering different extents of the Site. Amongst them, five applications (No. A/YL-HT/ 934 and A/HSK/7, 59, 283 and 450) for temporary logistics centre were approved by the Committee between 2015 and 2023 mainly on similar considerations that the applied/proposed 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, the five 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 Application No. A/HSK/249 for temporary logistics centre, submitted by a different applicant and covering a much larger area including the Site, was rejected by the Committee in 2020 mainly on the ground that three previous planning permissions were revoked due to non-compliance of the approval conditions.
- 6.3 As for the other six applications for various temporary open storage with/without ancillary workshop and/or parking of vehicles uses (No. A/YL-HT/99, 166, 268, 308, 500 and 690), they were all 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.
- 6.4 The last application No. A/HSK/450 was approved by the Committee on 9.6.2023 for a period of three years but the permission was subsequently revoked on 9.3.2024 due to non-compliance with time-limited approval conditions regarding the submission of a condition record of the existing drainage facilities and the implementation of FSIs proposal.

7. Similar Applications

There are eight similar applications involving logistics centre use within/straddling the subject “G/IC” and/or “O” zones in the past five years which were all 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-4)

- 8.1 The Site is:
 - (a) accessible from Lau Fau Shan 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 logistics centres, open storage yard, warehouse and vehicle repair workshops intermixed with 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 the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory.
- 9.2 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 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 adjacent to the Site) (**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 24.5.2024, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) expressing concerns 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 zoned “G/IC” and “O” on the OZP. Whilst the applied use is not in line with the planning intentions of the “G/IC” and “O” zones, 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 occupied by logistics centres, open storage yard, warehouse and vehicle repair workshops intermixed with residential dwellings, with some of these uses 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 five previous planning approvals for temporary logistics centre use had been granted from 2015 to 2023. While the planning permission granted under the last application No. A/HSK/450 was revoked due to non-compliance with the time-limited approval conditions regarding the submission of a condition record of the existing drainage facilities and implementation of FSIs proposal, relevant proposals have been submitted in the current application. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application and the Director of Fire Services 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 has no adverse comment on the application from the traffic point of view. While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being adjacent to the Site) (**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' 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.
- 12.5 Five previous approvals for temporary logistics centre use at the Site were granted from 2015 to 2023 and eight 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 concerns 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 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 **20.9.2027**. 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 **20.12.2024**;
- (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 **20.6.2025**;
- (d) if the above planning condition (a) 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
- (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" and "O" zones which are primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory; and 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 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 16.5.2024

Appendix Ia	SI received on 20.5.2024
Appendix Ib	FI received on 3.6.2024
Appendix Ic	FI received on 29.7.2024
Appendix II	Relevant Extracts 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	As-built Drainage Plan
Drawing A-4	Proposed FSIs 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**