

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/532

- Applicant** : 思信停車場有限公司
- Site** : Various Lots in D.D. 125 and D.D. 129, and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 23,180m² (including GL of about 935m² or 4%)
- 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) “Residential (Group A)3” (“R(A)3”) (about 44%);
[restricted to a maximum plot ratio of 5.5 and a maximum building height (BH) of 140mPD]
- (ii) “Government, Institution or Community” (“G/IC”) (about 42%); and
[restricted to a maximum BH of 8 storeys]
- (iii) area shown as ‘Road’ (about 14%)
- Application** : Temporary Logistics Centre and Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre and warehouse 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 uses without valid planning permission.
- 1.2 The Site is accessible from Ping Ha Road, and the ingress/egress point is at the northwestern corner of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there are 25 temporary structures (one to two storeys, not more than 12m in height) with a total floor area of about 16,142m² used for warehouses, open sheds, offices, toilets, electricity meter rooms, guard rooms, store room, water tanks and pump rooms. Three car parking spaces for private cars and 20 loading/unloading (L/UL) spaces for heavy goods vehicles (HGVs) will be provided (**Drawing A-1**). The operation hours are from 9:00 a.m. to 6:00 p.m.

from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in five previous applications for temporary logistics centre and/or warehouse uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2008 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/316 approved by the Committee on 23.7.2021, the current application is submitted by a different applicant for the same use at the same site. A comparison of the major development parameters of application No. A/HSK/316 and the current application is summarised as follows:

Major Development Parameters	Last Approved Application (A/HSK/316) (a)	Current Application (A/HSK/532) (b)	Difference (b) – (a)
Applied Use	Temporary Logistics Centre and Warehouse for a Period of 3 Years		No change
Site Area	About 23,180m ²		No change
Total Floor Area	About 17,375m ²	About 16,142m ²	-1,233m² (-7.1%)
No. of Structures	22 (warehouses, open sheds, site offices, toilets, electricity meter rooms, guard rooms and pump rooms)	25 (warehouses, open sheds, offices, toilets, electricity meter rooms, guard rooms, store room, water tanks and pump rooms)	+3
Building Height	2.1m - 12m in height (1 to 2 storeys)	Not more than 12m in height (1 to 2 storeys)	No change
No. of Car Parking Space and L/UL Space	3 car parking spaces for private cars 20 L/UL spaces for container vehicles	3 car parking spaces for private cars 20 L/UL spaces for HGVs	Change of type of vehicle for 20 L/UL Spaces
Operation Hours	from 9:00 a.m. to 6:00 p.m. from Mondays to Fridays, from 9:00 a.m. to 1:00 p.m. on Saturdays, no operation on Sundays and public holidays	from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays	Longer operation hours on Saturdays

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

- (a) Application Form with attachments received on 15.7.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 20.7.2024 (Appendix Ia)
- (c) Further Information (FI) received on 1.11.2024* (Appendix Ib)
- (d) FI received on 22.11.2024* (Appendix Ic)

**accepted and exempted from publication and recounting requirements*

1.6 On 6.9.2024, 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 and FI at **Appendices I and Ib**. They can be summarised as follows:

- (a) Previous applications for similar use have been approved by the Board at the Site. Approval conditions of the previous application regarding the drainage facilities and landscape plants have been complied with.
- (b) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones. The current application is to continue the applied use during the interim period before the Site is required for the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) development.
- (c) The applied use is not incompatible with the surrounding areas. Similar planning applications for open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (d) The development will have insignificant traffic impact. Sufficient maneuvering spaces will be provided within the Site.
- (e) The applied use will not generate significant environmental impact to the surrounding areas as adequate mitigation measures will be provided. The applicant pledges to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the possible environmental impacts. No combustible goods will be stored 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 newspaper and sending notices to Ha Tsuen Rural Committee and 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 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 was, in part or in whole, involved in five previous applications (No. A/YL-HT/563, 758 and 962 and No. A/HSK/94 and 316) for temporary logistics centre and and/or warehouse uses. All the applications were approved with conditions for a period of three years by the Committee between 2008 and 2021 mainly on similar considerations that the applied uses were 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 (No. A/HSK/94 and 316) 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 The last application No. A/HSK/316 for temporary logistics centre and warehouse was approved by the Committee on 23.7.2021 for a period of three years but the permission was subsequently revoked on 23.12.2023 due to non-compliance with the time-limited approval condition regarding implementation of FSIs proposal.

7. Similar Applications

There are 14 similar applications involving logistics centre and/or warehouse uses within/straddling the subject “R(A)3” and “G/IC” zones and area shown as ‘Road’ 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-4b)

8.1 The Site is:

- (a) accessible from Ping Ha Road; and
- (b) currently used for the applied uses without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centres, warehouses and 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 “R(A)” zone is primarily for high-density residential developments.
- 9.2 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.
- 9.3 The concerned area shown as ‘Road’ is reserved for the proposed widening of Ping Ha Road and a proposed local 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 6m 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 23.7.2024, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) expressing views that an approval condition under the previous application has not yet been complied with which may cause fire safety issue.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary logistics centre and warehouse for a period of three years at the Site partly zoned “R(A)3” (44%) and “G/IC” (42%) and partly shown as ‘Road’ (14%) on the OZP. Whilst the applied uses are not in line with the planning intentions of the “R(A)” and “G/IC” zones, the Project Manager (West), Civil Engineering and Development Department advises that the Site falls within the Remaining Phase development of HSK/HT NDA and has no objection to the application from the development point of view. 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 open storage yards, logistics centres, warehouses and 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 the TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and five previous planning approvals for temporary logistics centre and/or warehouse had been granted from 2008 to 2021. While the planning permission granted under the last application No. A/HSK/316 in 2021 was revoked due to non-compliance with the time-limited approval condition regarding 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 applications.
- 12.4 Relevant government departments consulted including the Commissioner for Transport and Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application from the traffic and drainage points of view respectively. While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 6m 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' to minimise the potential 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 and/or warehouse uses at the Site were granted from 2008 to 2021 and 14 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.
- 12.6 Regarding the public comment expressing views 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 applied uses 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 **20.12.2027**. 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 **20.3.2025**;
- (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 **20.9.2025**;
- (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 uses are not in line with the planning intentions of the "R(A)" and "G/IC" zones which are primarily for high-density residential developments; and for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory 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 15.7.2024
Appendix Ia	SI received on 20.7.2024
Appendix Ib	FI received on 1.11.2024
Appendix Ic	FI received on 22.11.2024
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	Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**