

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

**APPLICATION NO. A/HSK/534**

- Applicant** : Season Parking Company Limited represented by LANBASE Surveyors Limited
- Site** : Lots 80 (Part), 89 (Part), 90 (Part), 91 (Part), 92 (Part) and 93 RP (Part) in D.D.125, Ha Tsuen, Yuen Long
- Site Area** : About 4,740m<sup>2</sup>
- 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 95.5%);  
*[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 3%)<sup>1</sup>; and  
*[restricted to a maximum BH of 8 storeys]*
- (iii) area shown as ‘Road’ (about 1.5%)<sup>1</sup>
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown), Open Storage of Containers and Logistics Centre for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown), open storage of containers and 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 open storage of containers with 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 corner of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there will be two one-storey temporary structures (3.5m

---

<sup>1</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

and 13m high) with a total floor area of about 1,810.1m<sup>2</sup> used for warehouse, office, toilet and pump room. An area of about 170m<sup>2</sup> will be used for open storage of containers. Three car parking spaces for private cars (each of 5m x 2.5m) and three loading/unloading spaces for heavy goods vehicles (HGVs) (each of 11m x 3.5m) will be provided (**Drawing A-1**). The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the proposed layout and the landscape proposal submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site was involved in seven previous applications for temporary logistics centre and open storage of containers and/or warehouse uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2007 and 2022 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/385 approved by the Committee on 12.8.2022, the current application is submitted by the same applicant for similar uses with the addition of a warehouse at the same site. A comparison of the major development parameters of application No. A/HSK/385 and the current application is summarised as follows:

| <b>Major Development Parameters</b>                  | <b>Last Approved Application (A/HSK/385) (a)</b>   | <b>Current Application (A/HSK/534) (b)</b>   | <b>Difference (b) – (a)</b>          |
|--|--|--|--------------------------------------|
| Applied Use  | Temporary Open Storage of Containers and Logistics Centre for a Period of 3 Years                  | Proposed Temporary Warehouse (excluding Dangerous Goods Godown), Open Storage of Containers and Logistics Centre for a Period of 3 Years | <b>Addition of warehouse use</b>     |
| Site Area  | About 4,740m <sup>2</sup>  |  | <b>No change</b>                     |
| Total Floor Area                                     | About 211m <sup>2</sup>  | About 1,810.1m <sup>2</sup>  | <b>+1,599.1m<sup>2</sup> (+758%)</b> |
| No. of Structures                                    | 2<br>(office, toilet and pump room)  | 2<br>(warehouse, office, toilet and pump room)   | <b>Addition of a warehouse</b>       |
| Building Height                                      | About 3.5m<br>(1 storey)   | About 3.5 and 13m<br>(1 storey)  | <b>+9.5m (+271%)</b>                 |
| No. of Car Parking Space and Loading/Unloading Space | 3 car parking spaces for private cars (each of 5m x 2.5m)<br>3 for HGVs (each of 11m x 3.5m)       |  | <b>No change</b>                     |
| Operation Hours                                      | from 8:00 a.m. to 8:00 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 21.8.2024 (**Appendix I**)

- (b) Supplementary Planning Statement (Appendix Ia)
- (c) Supplementary Information (SI) received on 27.8.2024 (Appendix Ib)

## 2. **Justifications from the Applicant**

The justifications put forth by the Applicant in support of the application are detailed in the Application Form and Supplementary Planning Statement at **Appendices I and Ia**. They can be summarised as follows:

- (a) Seven previous applications for similar use have been approved by the Board at the Site. The current application is to include additional warehouse use when compared with the last approved application No. A/HSK/385. All time-limited approval conditions of the previous application have been complied with.
- (b) The application conforms with the relevant Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The proposed uses are 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 impacts in terms of 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 Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 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 was involved in seven previous applications (No. A/YL-HT/480, 569, 761, 935 and 994 and A/HSK/135 and 385) for temporary logistics centre and open storage of containers and/or warehouse uses covering different extents of the Site. All the applications were approved by the Committee between 2007 and 2022 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 no

major adverse comments from concerned government departments. However, two of the planning permissions (No. A/YL-HT/480 and 935) 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/385 for temporary open storage of containers and logistics centre was approved by the Committee on 12.8.2022 for a period of three years with validity up to 12.8.2025. All time-limited approval conditions have been complied with.

## **7. Similar Applications**

There are 14 similar applications involving open storage, logistics centre and/or warehouse uses within/straddling the subject “R(A)3” zone 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 Ping Ha Road via a local track; and
- (b) currently used for open storage of containers with valid planning permission.

- 8.2 The surrounding areas are predominantly occupied by open storage yards, warehouses and logistics centre 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 Intention**

The planning intention of the “R(A)” zone is primarily for high-density residential developments.

## **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 89 in D.D. 125 which is already subject to lease enforcement actions according to case priority. The lot owner should 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):

- (a) he does not support the application because there are sensitive uses in the vicinity of the site (the nearest residential dwelling being about 75m away) (**Plan A-2**) and the proposed 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 30.8.2024, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VII**) objecting to the application mainly on the grounds that the warehouse use is not in line with the planning intention of the concerned zone and the proposed uses may involve filling of land.

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary warehouse (excluding dangerous goods godown), open storage of containers and logistics centre for a period of three years at the Site zoned “R(A)3” on the OZP. Whilst the proposed uses are not in line with the planning intention of the “R(A)” zone, 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 proposed uses are considered not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, warehouses and logistics

centre intermixed with residential dwellings, with some of these uses covered by valid planning permissions (**Plan A-2**).

- 12.3 The proposed uses are generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and seven previous planning approvals for temporary logistics centre and open storage of containers and/or warehouse uses had been granted from 2007 to 2022. For the last approved application, all approval conditions have been complied with. The current application is submitted by the same applicant for similar uses at the same site. In this regard, sympathetic consideration may be given to the application.
- 12.4 Relevant government departments consulted including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application from the traffic, fire safety 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 75m away) (**Plan A-2**) and the proposed 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 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 Regarding DLO/YL, LandsD's comments on unauthorized structure(s) on Lot 89 in D.D. 125, should the application be approved, the applicant will be advised to apply for regularization of the lease breaches under the land administrative regime.
- 12.6 Seven previous approvals for temporary logistics centre and open storage of containers and/or warehouse uses at the Site were granted from 2007 to 2022 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.
- 12.7 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 proposed 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 **4.10.2027**. 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 **4.1.2025**;
- (c) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **15.11.2024**;
- (d) the submission of a 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 **4.4.2025**;
- (e) in relation to (d) above, the implementation of the 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 **4.7.2025**;
- (f) 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
- (g) if any of the above planning condition (b), (c), (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:

the proposed uses are not in line with the planning intention of the "R(A)" zone which is primarily for high-density residential developments. There is no strong justification in the submission for a departure from the planning intention, 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 21.8.2024                                    |
| <b>Appendix Ia</b>  | Supplementary Planning Statement  |
| <b>Appendix Ib</b>  | SI received on 27.8.2024  |
| <b>Appendix II</b>  | Relevant Extracts 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>  | 'Good Practice for Open Storage Sites' by the Fire Services<br>Department |
| <b>Appendix VII</b> | Public Comment  |
| <b>Drawing A-1</b>  | Proposed Layout Plan  |
| <b>Drawing A-2</b>  | Landscape 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>Plan A-4</b>     | Site Photos   |

**PLANNING DEPARTMENT  
OCTOBER 2024**