

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/553

- Applicant** : 黃新光先生 represented by 海願規劃發展公司
- Site** : Lots 2186 (Part), 2187 RP (Part), 2381 RP (Part), 2382 (Part), 2384 S.A (Part) and 2384 S.B (Part) in D.D. 129, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,955m²
- 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) “Commercial (5)” (“C(5)”) (about 88%); and
[Restricted to a maximum plot ratio of 1.5 and a maximum building height of 40mPD]

(ii) “Open Space” (“O”) (about 12%)
- Application** : Temporary Logistic 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) zoned “C(5)” and “O” 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 occupied by temporary structures and 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 northeastern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, a single-storey temporary structure (about 10m high) with a floor area of about 2,090m² is used for logistics centre while the other five temporary structures (one to two storeys, about 3m to 6m high) with a total floor area of about 55m² are used for office, toilets, pump room and electrical meter room. One parking space for private cars (5m x 2.5m) and three loading/unloading spaces for container vehicles (each of 16m 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 site layout with vehicular access leading to the Site, fire service installations (FSIs) proposal and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site, in part or in whole, was involved in three previous applications involving logistics centre use which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2004 and 2023 (details at paragraph 6 below) (**Plan A-1b**). Compared with the last application No. A/HSK/432, the current application is submitted by a different applicant for the same use at the same site with the same layout and development parameters.
- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 21.2.2025 (**Appendix I**).

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) previous application for the same use had been approved by the Board at the Site. The previous approval of application No. A/HSK/432 was revoked due to non-compliance with the approval conditions regarding the implementation of drainage and FSIs proposals. A fresh application is submitted for a new tenant at the Site;
- (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 allow the continuation of the applied use during the interim period before the Site is resumed 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 applied use will not cause significant traffic impact. Sufficient maneuvering spaces will be provided within the Site; and
- (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 potential environmental nuisance.

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 by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) promulgated on 14.4.2023 is relevant to the application. The Site falls within the 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 the subject of four previous planning applications (No. A/YL-HT/215, 361, 515 and A/HSK/432) for various temporary open storage, logistics centre, container vehicle park and ancillary vehicle repair workshop uses. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.
- 6.2 Three of these applications (No. A/YL-HT/215, 361 and 515) involved only a small part of the Site (about 4%) (**Plan A-1b**). Both applications (No. A/YL-HT/361 and 515) for temporary logistics centre, container vehicle park, open storage of containers and construction materials with ancillary vehicle repair workshop uses were approved with conditions by the Committee in 2004 and 2007 mainly on the 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, one of the planning permissions (No. A/YL-HT/515) was subsequently revoked due to non-compliance with the time-limited approval conditions. The other application No. A/YL-HT/215 for temporary open storage of construction materials (mainly steel scaffolding racks) for a period of 12 months is not relevant to the current application which is for a different use.
- 6.3 The last previous application No. A/HSK/432 for proposed temporary logistic centre was approved by the Committee on 31.3.2023 for a period of three years based on the same considerations as mentioned in paragraph 6.2 above. The permission was revoked on 30.12.2024 due to non-compliance with the time-limited approval conditions regarding the implementation of drainage and FSIs proposals.

7. Similar Applications

There are 17 similar applications involving logistics centre use within/straddling the same “C(5)” and “O” zones in the past five years. 16 of them were approved with conditions by the Committee between 2020 and 2025 based on similar considerations as mentioned in paragraph 6.1 above. The remaining application (No. A/HSK/249) was rejected by the Committee in 2020 on the consideration that approval of the application with repeated non-compliance with approval conditions would set an undesirable precedent for other similar applications. 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 Lau Fau Shan Road via a local track; and
 - (b) currently occupied by temporary structures and used for the applied use without valid planning permission.

- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics centre and warehouses intermixed with some residential dwellings, parking of vehicles and unused land. 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 “C” zone is primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre.
- 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 residential uses in vicinity of the Site (the nearest residential dwelling being about 49m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles, hence environmental nuisance is expected;
- (b) no environmental complaints pertaining to the Site was received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments at **Appendix V**.

11. Public Comment Received During Statutory Publication Period

On 28.2.2025, 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 approval conditions under the previous application had not yet been complied with which might pose hazard to the community.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary logistics centre for a period of three years at the Site

zoned “C(5)” and “O” on the OZP. Whilst the applied use is not in line with the planning intentions of the “C” and “O” zones, there is no known development proposal at the Site. The Project Manager (West) of Civil Engineering and Development Department advises that the Site falls within the study area of Lau Fau Shan Development in which the implementation programme and land resumption/clearance programme are currently being reviewed under the relevant investigation study and subject to change. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Nonetheless, should the application be approved, the applicant should be reminded that the Site may be resumed by the Government at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein.

- 12.2 The applied use is considered not incompatible with the surrounding areas which are predominantly occupied by open storage yards, logistics centre and warehouses intermixed with some residential dwellings, parking of vehicles and unused land, 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 was involved in three previous planning applications approved by the Board between 2004 and 2023 involving logistics centre use. While the planning permission under the last application No. A/HSK/432 has been revoked due to non-compliance with the time-limited approval conditions regarding the implementation of drainage and FSIs proposals, the applicant has submitted the FSIs proposal (**Drawing A-2**) and drainage proposal (**Drawing A-3**) for the current application. Both the Director of Fire Services (D of FS) and the Chief Engineer/Mainland North of Drainage Services Department have no objection to the application and the FSIs proposal has been accepted by D of FS. 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 Other relevant government departments consulted including 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 the applied use involves the use of heavy vehicles and environmental nuisance to the sensitive users in the vicinity of the Site (**Plan-A-2**) is expected, there is no environmental complaint pertaining to the Site received in the past three years. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also 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 surrounding areas.
- 12.5 Three previous approvals involving logistics centre use at the Site were granted between 2004 and 2023 and 16 similar applications had been approved by the Committee between 2020 and 2025. Approval of the current application is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment as summarised in paragraph 11 above, the planning considerations and assessments 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 has no objection to the application.
- 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 **11.4.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **11.10.2025**;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **11.1.2026**;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **11.1.2026**;
- (e) if the above planning condition (c) 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
- (f) if any of the above planning condition (a), (b) or (d) 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 "C(5)" and "O" zones which are primarily for commercial developments, which may include uses such as office, shop, services, place of entertainment, eating place and hotel, functioning as territorial business/financial centre and regional or district commercial/shopping centre, 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 with Attachments received on 21.2.2025
Appendix II	Relevant Extract 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	Proposed Layout Plan with Vehicular Access
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	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2025**