

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1164

- Applicant** : 盛進管理有限公司
- Site** : Lot 136 (Part) in D.D.128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,620m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Residential (Group D)” (“R(D)”)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Logistics Centre and Open Storage of Metal Waste with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary logistics centre and open storage of metal waste with ancillary office for a period of three years at the application site (the Site) zoned “R(D)” 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 vacant with a few temporary structures (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track leading from Kai Pak Ling Road (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, three structures with a total floor area about 1,805m² and building height of 6 to 11m (1 to 2 storeys) for logistics centre, storage, office and pump room uses are proposed. An area of about 80m² (3% of the Site) at the eastern tip is designated for open storage use. According to the applicant, no workshop activity will be carried out at the Site. There will be one parking space for private car and three loading/unloading (L/UL) spaces for light goods vehicles. The operation hours will be from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. There will be no operation on Sundays and public holidays.

- 1.3 The Site is involved in three previous applications, including two applications for temporary open storage and logistics centre use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-HTF/1124), the current application is submitted by a different applicant for largely the same use at a smaller site with different development parameters and layout. In particular, the open storage use in the current application has substantially reduced and will only occupy about 3% of the Site. A comparison of the major development parameters of the previous application and the current application is as follows:

Major Development Parameters	Previously Approved Application No. A/YL-HTF/1124 (a)	Current Application No. A/YL-HTF/1164 (b)	Difference (b) – (a)
Proposed Use	Temporary Open Storage of Metal Waste and Logistics Centre for a Period of 3 Years	Proposed Temporary Logistics Centre and Open Storage of Metal Waste with Ancillary Office	No change (with addition of ancillary office and reduction in open storage area)
Site Area	about 3,107m ²	about 2,620m ²	-487m² (-16%)
Total Floor Area	about 1,695m ²	about 1,805m ²	+110m² (+6%)
No. of Structures	4 (for logistics centre)	3 (1 for logistics centre, storage and office, 1 for logistics centre and storage, and 1 for pump room and office)	-1 structure
Height of Structures	1-2 storeys (not more than 7m)	1-2 storey (not more than 11m)	+4m (+57%)
Parking and L/UL Spaces	1 private car parking space and 3 light goods vehicle L/UL spaces		No change
Operation Hours	8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays		No change

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

- (a) Application Form with attachments received on (Appendix I)
9.11.2023

- (b) Supplementary Information (SI) received on (**Appendix Ia**) 10.11.2023

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** respectively. They can be summarised as follows:

- (a) The Site falls within Category 2 area under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G).
- (b) The Site is the subject of two previously approved applications (No. A/YL-HTF/1115 and 1124) for temporary open storage of metal waste and logistics centre use. Although those two applications were subsequently revoked, the operator of the Site has been changed and the current applicant has no connection with the previous applications.
- (c) The proposed use is compatible with the surrounding environment.
- (d) No adverse traffic and environmental impacts are anticipated.

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

The applicant is not the “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 registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

Majority of the Site was the subject of a planning enforcement case (No. E/YL-HTF/945) against unauthorized development (UD) involving storage use (including deposit of containers) (**Plan A-2**). Enforcement Notice (EN) was issued on 10.10.2022 requiring discontinuation of the UD by 10.12.2022. Subsequent site inspections revealed that the UD had been discontinued. Compliance Notice for the EN was issued on 1.12.2023.

5. Town Planning Board Guidelines

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to the application. The Site falls within Category 2 area under the Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

6. **Previous Applications**

- 6.1 The Site is involved in three previous applications for temporary plastic recycling centre, and open storage and logistics centre uses. Two were approved and one was rejected by the Committee. Details of the applications are summarised at **Appendix III** and the locations are shown on **Plan A-1b**.

Approved Applications

- 6.2 Applications No. A/YL-HTF/1115 and 1124 for temporary open storage of metal waste and logistics centre uses were approved by the Committee in 2021 mainly on considerations that the development was not incompatible with the surrounding land uses; the development was considered in line with the then TPB PG-No. 13F; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. However, both applications, which involved a different applicant as the current application, were revoked in 2021 owing to non-compliance with time-limited approval conditions (i.e. submission of drainage and fire service installations proposals as well as provision of boundary fencing for application No. A/YL-HTF/1115 and provision of fire extinguisher(s) for application No. A/YL-HTF/1124).

Rejected Application

- 6.3 Application No. A/YL-HTF/1108 for temporary plastic recycling centre use was rejected by the Committee in 2020. The considerations of the application are not relevant to the current application, which involves a different use.

7. **Similar Applications**

There are six similar applications (No. A/YL-HTF/1111, 1114, 1118, 1119, 1122 and 1157) for open storage use within the same “R(D)” zone in the past five years. All applications were approved by the Committee between 2021 and 2023 mainly on considerations similar to those mentioned in paragraph 6.2 above. However, the planning permissions for three of them were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised at **Appendix III** and the 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) vacant with a few temporary structures; and
 - (b) accessible via a local track leading from Kai Pak Ling Road.
- 8.2 The surrounding areas are predominated by open storage yards, warehouses, vacant land and graveyards. Some of the uses are covered by valid planning

permissions, whilst some are suspected UD's subject to planning enforcement action.

9. Planning Intention

The "R(D)" zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

10. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 17.11.2023, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) objecting to the application on the grounds that it is the subject of previously withdrawn/revoked applications and there is concern over fire safety.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary logistics centre and open storage of metal waste with ancillary office for a period of three years at the Site zoned "R(D)" on the OZP. Whilst the proposed use is not in line with the planning intention of the "R(D)" zone, there is no known development proposal for the Site. Approval of the application on a temporary basis for a period of three years will not frustrate the long-term planning intention of the "R(D)" zone.

12.2 The Site is situated in an area predominated by open storage yards and warehouses (some of which are covered by valid planning permission), as well as vacant land. The proposed use is considered not incompatible with the surrounding areas.

12.3 The Site falls within Category 2 area under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 2 area: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic,

visual, landscaping and environmental impacts on the surrounding areas.

- 12.4 The proposed use is considered generally in line with TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. The proposed use will unlikely create adverse traffic, drainage and fire safety impacts to the surrounding areas. While the Director of Environmental Protection has no adverse comment on the application, he advises that there were six substantiated environmental complaints regarding air quality pertaining to the Site in the past three years. The complaints were related to a recycling facility previously operating at the Site, which has already ceased operation. Nevertheless, to minimise any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate 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'.
- 12.5 The Committee has approved two applications covering the Site for a similar use in 2021 as well as six similar applications within the same "R(D)" zone in the past five years mainly on considerations summarised in paragraph 6.2 above. Although the two previous approvals at the Site were subsequently revoked due to non-compliance with time-limited approval conditions, the current application is submitted by a different applicant and the Site is currently vacant. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comment objecting to the application, 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 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary logistics centre and open storage of metal waste with ancillary office 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 22.12.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the Site at any time during the planning approval period;

- (b) no workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (c) the submission of a 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 **22.6.2024**;
- (d) in relation to (c) above, the implementation of the 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 **22.9.2024**;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 **2.2.2024**;
- (g) 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 **22.6.2024**;
- (h) in relation to (g) 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 **22.9.2024**;
- (i) if any of the above planning condition (a), (b) or (e) 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
- (j) if any of the above planning condition (c), (d), (f), (g) or (h) 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 use is not in line with the planning intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such 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

Appendix I	Application Form with Attachments received on 9.11.2023
Appendix Ia	SI dated 10.11.2023
Appendix II	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	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VII	Public Comment
Drawing A-1	Proposed Layout Plan
Plan A-1a	Location Plan
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 2023**