

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

**APPLICATION NO. A/YL-HTF/1177**

- Applicant** : 盛進管理有限公司
- Site** : Lots 136 (Part), 141 (Part), 142 (Part), 143 (Part), 158 (Part) and 160 (Part) in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 5,664m<sup>2</sup>
- 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 Warehouse 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 warehouse 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 mainly occupied by vacant 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**, eight structures with a total floor area about 4,432m<sup>2</sup> and heights of 6 to 11m (1 to 2 storeys) for logistics centre, warehouse, office, guardroom, fire services water tank and pump room uses are proposed. According to the applicant, no workshop activity will be carried out at the Site. There will be one parking space for private car and six loading/unloading (L/UL) spaces for light goods vehicle (LGV). 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 eight previous applications, including three applications involving temporary logistics centre use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2023 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-HTF/1164), the current application is submitted by the same applicant for largely similar uses at a much larger site with different development parameters and layout. A comparison of the major development parameters of the previous application and the current application is as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-HTF/1164 (a)</b>	<b>Current Application No. A/YL-HTF/1177 (b)</b>	<b>Difference (b) – (a)</b>
<b>Proposed Uses</b>	Proposed Temporary Logistics Centre and Open Storage of Metal Waste with Ancillary Office for a Period of 3 Years	Proposed Temporary Logistics Centre and Warehouse with Ancillary Office for a Period of 3 Years	<b>Addition of warehouse and omission of open storage</b>
<b>Site Area</b>	about 2,620m <sup>2</sup>	about 5,664m <sup>2</sup>	<b>+3,044m<sup>2</sup> (+116%)</b>
<b>Total Floor Area</b>	about 1,805m <sup>2</sup>	about 4,432m <sup>2</sup>	<b>+2,627m<sup>2</sup> (+146%)</b>
<b>No. of Structures</b>	3 (for logistics centre, storage, office and pump room)	8 (for logistics centre, warehouse, office, guardroom, fire services water tank and pump room)	<b>+5 structures</b>
<b>Height of Structures</b>	1-2 storeys (not more than 11m)		<b>No change</b>
<b>No. of Parking Spaces</b>	1 for private car		<b>No change</b>
<b>No. of L/UL Spaces</b>	3 for LGV	6 for LGV	<b>+3 LGV L/UL spaces</b>
<b>Operation Hours</b>	8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and no operation on Sundays and public holidays		<b>No change</b>

- 1.5 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments received on (Appendix I) 13.5.2024
- (b) Supplementary Information (SI) received on (Appendix Ia)

16.5.2024

**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 areas 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) There are similar approvals for warehouse, logistics centre and open storage uses in the vicinity of the Site.
- (c) The applicant for the current application is the same as that for application No. A/YL-HTF/1164. As the applicant requires a larger site with more structures and slight change of uses to support its operational need, a fresh application is submitted.
- (d) The proposed uses are compatible with the surrounding areas.
- (e) No medium and heavy goods vehicles as well as container vehicles will be used.
- (f) No adverse traffic, environmental and drainage 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**

The Site is currently not subject to active planning enforcement action.

**5. Town Planning Board Guidelines**

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

## 6. **Previous Applications**

- 6.1 The Site is involved in eight previous applications for temporary open storage and/or logistics centre, as well as recycling centre/recyclable collection centre uses. Six were approved and two were rejected by the Committee. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

### *Approved Applications*

- 6.2 Applications No. A/YL-HTF/1115, 1124 and 1164 for temporary open storage of metal waste and logistics centre were approved with conditions by the Committee between 2021 and 2023 mainly on considerations that the proposed/applied uses were not incompatible with the surrounding areas; the proposed/applied uses were considered in line with the TPB PG-No. 13F/G; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. However, applications No. A/YL-HTF/1115 and 1124, which involved a different applicant as the current application, were revoked in 2021 owing to non-compliance with time-limited approval conditions<sup>1</sup>.

- 6.3 Applications No. A/YL-HTF/1085, 1099 and 1107 for temporary recyclable collection centre for garment, cloth and waste paper were approved with conditions by the Committee between 2018 and 2020. The considerations of these applications are not relevant to the current application, which involves different uses.

### *Rejected Applications*

- 6.4 Application No. A/YL-HT/137 for temporary open storage of construction machinery and construction material and application No. A/YL-HTF/1108 for temporary plastic recycling centre were rejected by the Committee in 2000 and 2020 respectively. The considerations of these applications are not relevant to the current application, which involves different uses.

## 7. **Similar Application**

There is a similar application (No. A/YL-HTF/1137) involving warehouse use within the same “R(D)” zone in the past five years. The application was approved with conditions by the Committee in 2022 mainly on considerations similar to those mentioned in paragraph 6.2 above. Details of the application are summarised at **Appendix III** and its location is shown on **Plan A-1a**.

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<sup>1</sup> Application No. A/YL-HTF/1115 was revoked owing to non-compliance with approval conditions regarding the submission of drainage and fire service installations proposals as well as provision of boundary fencing. As for application No. A/YL-HTF/1124, the time-limited approval condition regarding provision of fire extinguisher(s) was not complied with.

**8. The Site and Its Surrounding Areas (Plans A-1a to A-4b)**

8.1 The Site is:

- (a) mainly occupied by vacant 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, warehouse/godown, parking of vehicles and vacant/unused land. Some of the uses are covered by valid planning permissions, whilst some are suspected unauthorized developments 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 at **Appendices IV and V** respectively.

**11. Public Comment Received During the Statutory Publication Period**

On 21.5.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

**12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary logistics centre and warehouse with ancillary office for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the proposed uses are not in line with the planning intention of the “R(D)” zone, there is no known development proposal for implementing the zoned use at 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, warehouse/godown, parking of vehicles and vacant/unused land, with some of the uses covered by valid planning permissions. The proposed uses are considered not incompatible with the surrounding areas.

12.3 The Site falls within Category 2 areas under the TPB PG-No. 13G. The

proposed uses are generally in line with the TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, drainage and fire safety perspectives. While the Director of Environmental Protection has no adverse comment on the application, he advises there were four substantiated environmental complaints regarding air quality pertaining to the Site in the past three years. The complaints were related to a plastic recycling facility previously operating at the Site, which has 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'.

- 12.4 The Committee has approved three previous applications at the Site for similar uses between 2021 and 2023 as well as a similar application within the same "R(D)" zone in the past five years. Approval of this application is generally in line with the previous decisions of the Committee.

### 13. **Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the proposed temporary logistics centre and warehouse 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 5.7.2027. 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 **5.1.2025**;
- (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 **5.4.2025**;

- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 **5.1.2025**;
- (g) in relation to (f) 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 **5.4.2025**;
- (h) 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
- (i) if any of the above planning condition (c), (d), (f) or (g) 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(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**

<b>Appendix I</b>	Application Form with Attachments received on 13.5.2024
<b>Appendix Ia</b>	SI received on 16.5.2024
<b>Appendix II</b>	Extract of the 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>Drawing A-1</b>	Proposed Layout Plan
<b>Plan A-1a</b>	Location Plan
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**