

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/249

- Applicant** : Mr. WONG Tsz Chung represented by Metro Planning & Development Company Limited
- Site** : Lots 2959 (Part), 2963 (Part), 2970 (Part), 2988 (Part), 2989 RP (Part), 2991 RP (Part), 2992 RP, 2993, 2994, 2995, 2996, 2997, 2998, 2999 (Part), 3000 RP (Part), 3073 S.A (Part), 3073 RP, 3076 (Part), 3077 (Part), 3078 (Part), 3079, 3080, 3081, 3082 S.A, 3082 S.B, 3083, 3084, 3085 (Part), 3086 (Part), 3087 (Part), 3088 S.A, 3088 S.B (Part), 3089, 3090, 3091, 3096 (Part), 3098 S.A (Part), 3098 S.B (Part), 3098 S.C (Part), 3098 S.D (Part), 3098 S.E, 3098 S.F and 3098 RP in D.D.129 and Adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : about 22,550m² (including about 600m² of GL (about 2.7%))
- 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
- Zoning** : “Government, Institution or Community” (“G/IC”) (about 55%);
[Restricted to maximum building height (BH) of 8 storeys]
- “Residential (Group B) 2” (“R(B)2”) (about 21%);
[Restricted to maximum plot ratio of 2.5 and maximum BH of 90mPD]
- “Open Space” (“O”) (about 8%); and
- Area shown as ‘Road’ (about 16%)
- Application** : Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary logistics centre for a period of 3 years (**Plan A-1a**). The Site falls mainly within “G/IC” (about 55%) and “R(B)2” zones (about 21%) and with minor portions within “O” zone (about 8%) and an area shown as ‘Road’ (about 16%) on the approved OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zones requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. In any area shown as ‘Road’ on the OZP, all uses or developments require planning permission from the Board. The Site is currently used for the applied use without valid planning permission (**Plans A-4a to 4d**).

- 1.2 The Site is involved in 7 previous applications for temporary open storage and logistics centre use (**Plan A-1b**). The last application No. A/HSK/59 for the same applied use was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 20.4.2018 for a period of 3 years but the planning permission was subsequently revoked on 20.7.2020 due to non-compliance with time-limited approval conditions on submission and/or implementation of drainage proposal, tree preservation and landscape proposal and fire service installations (FSIs) proposal. The current application is submitted by a different applicant for the same use at the same site with an increase in the number of structures and total floor area.
- 1.3 The Site is accessible from Lau Fau Shan Road via a local track and the ingress/egress point is located at the north-eastern corner of the Site (**Drawing A-1 and Plans A-2 to A-3**). As shown on the layout plan at **Drawing A-2**, seven temporary structures with a total floor area of not exceeding 17,525m² are proposed, including two single-storey structures for logistics centre (12m and 13m high and floor area not exceeding 13,635m² and 2,400m² respectively), a two-storey structure for site office (8.5m high and floor area not exceeding 740m²) and 4 single-storey structures for water tank and pump room (5m high and floor area not exceeding 80m²), electricity meter room (4m high and floor area not exceeding 80m²), toilet and guard room (3m high and floor areas not exceeding 20m² and 10m² respectively). 6 loading/unloading bays for medium and heavy goods vehicles and 4 loading/unloading bays for container trailers/tractors are also proposed. The operation hours of the development are from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays, and no operation would be carried out on Sundays and public holidays. The proposed landscape and tree preservation plan, as-built drainage plan, catchment plan and proposed FSIs plan are shown at **Drawings A-3 to A-7** respectively.
- 1.4 A comparison of the major development parameters of the current application and the last approved application is given in the following table:

Major Development Parameters	Last Approved Application (A/HSK/59) (a)	Current Application (A/HSK/249) (b)	Difference (b) - (a)
Applied Use	Temporary logistics centre (3 years)		Same
Site Area	22,550m ²		Same
No. of Structures	5	7	+2 (+40%)
Total Floor Area	16,935m ²	17,525m ²	+590m ² (+3.5%)
Height of Structures	1 to 2 storeys not exceeding 13m	1 to 2 storeys not exceeding 13m	Same
No. of Loading/Unloading Bay	<ul style="list-style-type: none"> • 4 for container trailer/tractors • 6 for medium/heavy goods vehicles 		Same
Operation Hours	7:00 a.m. to 11:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays		Same

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with annex and plans received on **(Appendix I)** 18.8.2020

- (b) Further Information (FI) received on 7.9.2020 providing **(Appendix Ia)**
FSIs proposal
[exempted from publication and recounting requirements]

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 summarized as follows:

- (a) The Site is subject to a previous planning permission No. A/HSK/59 for the same applied use at the same site. The current application has included additional structures.
- (b) The applicant has tried his best to comply with the planning conditions of the last permission. Additional time is required to implement the FSIs proposal and landscape proposal. The applicant has completed the implementation of drainage proposal.
- (c) The proposed development conforms with the Town Planning Board Guidelines TPB PG-No. 13F since it is subject to previous planning permission.
- (d) The proposed development is temporary in nature and would not jeopardize the long-term planning intention of the area.
- (e) The proposed development is not incompatible with the surrounding environment including open storage use and port back-up activities. The planning circumstance pertaining to the Site is similar to those nearby approved open storage and port back-up uses. Similar preferential treatment should be granted to the current application.
- (f) There is shortage of land for port back-up purpose in Ha Tsuen.
- (g) There are insignificant environmental, noise and drainage impacts since the applied use is housed within an enclosed structure and surface U-channel is provided.
- (h) The traffic impact is minimal.
- (i) Neither recycling, cleaning, repairing, dismantling work nor workshop activity will be allowed on 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. 31A) by posting site notice and publishing in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31A are not applicable to the Government land portion.

4. Town Planning Board Guidelines

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within 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 use of logistics centre on the Site would be subject to enforcement action.

6. **Previous Applications**

- 6.1 The Site is related to seven previous applications (No. A/YL-HT/99, 166, 268, 690 and 934 and A/HSK/7 and 59) for temporary open storage of containers or logistics centre uses. Details of these applications are summarized at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 All these applications were approved with conditions by the Committee between 1999 and 2018 on the considerations that the applied uses were not incompatible with the surrounding areas, generally in line with the then Town Planning Board Guidelines TPB PG-No. 13 and no major adverse comments from concerned Government departments. Amongst these, the planning permissions for five of the applications (No. A/YL-HT/166, 690 and 934 and A/HSK/7 and 59), including the last three applications for logistic centre, were subsequently revoked due to non-compliance with time-limited approval conditions.
- 6.3 Applications No. A/YL-HT/99, 166, 268 and 690 for temporary open storage with/without ancillary logistics yard and container repair workshop were approved with conditions each for a period of 3 years. However, the planning permissions for Applications No. A/YL-HT/166 and 690 were revoked due to non-compliance with approval conditions on the submission and implementation of landscape proposal and the provision of fencing, and on the implementation of drainage and landscape proposals, and/or FSIs proposal respectively.
- 6.4 Application No. A/YL-HT/934 for temporary logistics centre with ancillary office and parking of vehicle (covering a larger site) was approved with conditions for a period of 3 years by the Committee on 6.2.2015. However, the planning permission was also revoked on 6.5.2016 due to non-compliance with approval conditions on the submission and implementation of drainage and FSIs proposals, implementation of landscape and tree proposal, run-in/out proposal and the provision of fencing.
- 6.5 Application No. A/HSK/7 for the same applied use at a smaller site was approved with conditions for a period of 3 years by the Committee on 25.8.2017. However, the planning permission was also revoked on 25.5.2018 due to non-compliance with approval conditions on the submission and implementation of drainage, landscape and tree proposal, and implementation of FSIs proposals.
- 6.6 The last application No. A/HSK/59 for the same applied use at the same site was approved with conditions by the Committee on 20.4.2018 for a period of 3 years. S.16A applications for extension of time (EOT) for compliance with planning conditions have been submitted for eight times and a total of 27 months have been allowed for compliance with the conditions. However, the planning permission was revoked on 20.7.2020 due to non-compliance with four time-limited approval conditions on implementation of drainage proposal and tree preservation and landscape proposal, as well as the submission and implementation of FSIs proposal.
- 6.7 Compared with the last application, the current application is submitted by a different applicant at the same site with an increase in the number of structures and total floor area.

7. Similar Applications

There are 6 similar applications (No. A/HSK/5, 50, 108, 145, 160 and 216) for temporary logistics centre within the same “G/IC”, “R(B)2” and “O” zones on the OZP which were all approved with conditions by the Committee between 2017 to 2020 on similar considerations as mentioned in paragraph 6.2 above. However, the planning permissions for two applications (No. A/HSK/5 and 50) were subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarized at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently used for the applied use without valid planning permission; and
- (b) accessible from Lau Fau Shan Road via local track (**Plan A-2**).

8.2 The surrounding areas have the following characteristics:

- (a) to its north are an open storage yard of containers and a logistics centre under valid planning permissions while to its immediate northeast are a number of residential dwellings (the nearest being about 5m away) and to its further northeast are a storage yard, two vehicle repair workshops and a warehouse under valid planning permission;
- (b) to its east are an open storage yard of construction materials and machinery and a logistics centre under valid planning permission;
- (c) to its south are two logistics centres under valid planning permissions, an open storage yard of construction machinery and material under valid planning permission; and
- (d) to its west are open storage yards of construction materials and metal ware under valid planning permissions and a warehouse while to its southwest are open storage of metal ware and scrap metal under valid planning permissions.

9. Planning Intentions

9.1 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

9.2 The planning intention of the “R(B)2” zone is primarily for medium-density residential developments, whereas 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 residential as well as the general public.

10. Comments from Relevant Government Departments

10.1. The following Government departments have been consulted and their views on the application received are summarized as follows:

Land Administration

10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Scheduled Agricultural Lots (OSALs) and GL. The OSALs are held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government.
- (b) Two portions of the GL (about 565m² subject to verification) in the Site are covered by a Short Term Tenancy (STT) No. 3148 for the purposes of “Temporary Logistics Centre with Ancillary Office and Parking of Vehicle”. No permission is given for occupation of remained GL (about 35m² subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed.
- (c) The private lots covered by Short Term Waivers (STWs) are listed below:

Lot No. (in D.D. 129)	STW No.	Purposes
2988 & 2996	4826	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle
2989 RP	4827	
2991 RP	4828	
2992 RP	4829	
2993 & 2995	4830	
2994	4831	
2997	4832	
2998 & 3078	4833	
2999	4834	
3000 RP	4835	
3073 S.A, 3073 RP & 3084	4836	
3079	4837	
3080	4838	
3081 & 3083	4839	
3082 S.A	4840	
3082 S.B	4841	
3085	4842	
3086	4843	
3098 S.E	4844	
3098 S.F	4845	
3077	4965	Temporary Logistics Centre with Ancillary Office
3096	4967	
3098 S.B	4968	
3098 S.C	4969	
3098 S.D	4970	

- (c) Should the application be approved, the STW/STT holders will need to apply to his office for modification of the STW/STT conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Also, the applicant has to either exclude the GL without STT from the Site or apply for a formal approval prior to the actual occupation of the above GL. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Application(s) for any of the above will be considered by LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

10.1.2 Comments of the Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD):

- (a) He has no adverse comments on the application from traffic engineering view point.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from public roads.
- (c) The local track leading to the Site is not under TD's purview. The applicant shall obtain consent of the owners/managing departments of the local track for using it as the vehicular access to the Site.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement should be commented by TD.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road.

Environment

10.1.4 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 5m away) (**Plan A-2**) and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.

- (c) Should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP').

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from a drainage point of view.
- (b) Should the application be approved, he would suggest imposing a planning condition requiring the applicant to submit a drainage proposal, to implement and maintain the proposed drainage facilities to the satisfaction of his Division.
- (c) The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas.
- (d) The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the Site before commencement of the drainage works.

Landscaping

10.1.6 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) The Site is subject to previous applications No. A/HSK/7 and 59 for temporary logistics centre use but were revoked due to non-compliance with approval conditions including the landscape condition. The current application seeks planning permission for the same use for a period of 3 years by a different applicant.
- (b) With reference to the aerial photo of 2019, the Site is hard paved and mainly occupied by three large temporary structures. Existing trees are observed along the northern, north-western and south-western boundaries within the Site. The Site is situated in an area of rural landscape character predominated by open storage yards and temporary structures. Significant change to the landscape character arising from the continued use of the application is not envisaged.
- (c) Having reviewed the submitted landscape proposal (**Drawing A-3**), it is noted that all existing trees are proposed to be retained with new trees proposed at the northern portion of the Site. Hence, he considers the landscape proposal acceptable from a landscape planning perspective.
- (d) In view of the above, should the application be approved, he would recommend the approval condition to implement the approved landscape proposal to the satisfaction of the Director of Planning or of the Board.
- (e) Detailed advisory comments are attached at **Appendix VI**.

Building Matters

10.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) There is no record of approval by the Building Authority (BA) for the existing structures at the Site.
- (b) If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without approval of the BA, they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (c) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.
- (d) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling, etc.) are to be carried out on the Site, prior approval and consent of BA should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the coordinator for the proposed building works in accordance with the BO.
- (e) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (f) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Fire Safety

10.1.8 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the structures, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval.
- (c) The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSIs are to be installed should be clearly marked on the layout plans.
- (d) The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

Nature Conservation

10.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) As the Site is paved and disturbed, he has no strong view on the application from nature conservation point of view.
- (b) Should the application be approved, please advise the applicant to adopt good site practices and implement water pollution control measures as necessary to avoid affecting the nearby watercourse.

Long-Term Development

10.1.10 Comments of the Project Manager (West), Civil Engineering and Development Department (PM/W, CEDD):

- (a) He has no objection to the application for temporary use for 3 years, which should be considered in accordance with the provisions of the existing OZP and infrastructure capacities.
- (b) The Site falls within the boundary of Hung Shui Kiu and Ha Tsuen New Development Area (HSK/HT NDA). According to the Planning and Engineering Study for the HSK/HT NDA and the latest plan, to ensure timely and orderly implementation, the development of HSK/HT NDA and relevant site formation and infrastructure works would be implemented in five stages, viz. Advance Works and Stage 1 to Stage 4. The lot(s) concerned falls within a site under Stage 4 Works in the latest programme of the HSK/HT NDA. While the detailed implementation programme for the project is still being formulated, it is envisaged that clearance of the Site will not be arranged before 2024.

Others

10.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) He has no objection to the application.
- (b) The applicant should take note of any interfacing issue with the proposed fresh and flushing water mains designed and implemented under the HSK/HT NDA project that will intersect the Site (**Plan A-2**).

10.1.12 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) The Site falls mainly within “G/IC” and “R(B)2” zones with minor portions within “O” zone and an area shown as ‘Road’ on the approved HSK & HT OZP No. S/HSK/2. The portion zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. He has no plan to develop the Site into public open space at present.
- (b) He notes the application period is only three years and has no in-principle objection to the application.

District Officer's Comments

10.1.13 Comments of the District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD):

- (a) He has no comment on the application from departmental point of view.
- (b) His office has not received any comment from the locals on the application.

11. Public Comments Received During Statutory Publication Period

On 25.8.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments from individuals were received. The commenters raise concerns/object to the application on reasons that the development will increase traffic flow and pose safety hazards to the villagers, and that the applied use at the Site with several previous revocations would affect the implementation of the zoning intentions (**Appendices V-1 and 2**).

12. Planning Considerations and Assessment

12.1 The application is for temporary logistics centre for a period of 3 years at a site which falls mainly within "G/IC" (about 55%) and "R(B)2" zones (about 21%) and with minor portions within "O" zone (about 8%) and an area shown as 'Road' on the OZP. The planning intention of the "G/IC" zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory, whereas that of "R(B)2" zone is primarily for medium-density residential developments. Although the applied use is not in line with the planning intentions, the implementation programme for this part of NDA is still being formulated, and PM/W of CEDD and DLCS have no objection to the temporary use for a period of 3 years at the Site. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site. However, 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 While the applied temporary logistics centre is not incompatible with the surrounding land uses which are predominantly used for logistics centre, open storage yards, warehouses and vehicle repair workshops, it is in close proximity to a number of residential dwellings, with the nearest one about 5m away (**Plan A-2**).

12.3 The Site falls within the HSK/HT NDA. For applications in NDAs, the following considerations under the TPB PG-No. 13F are relevant:

For existing open storage and port back-up uses with previous planning approval(s) and/or permitted under the previous OZPs, sympathetic consideration may be given to the application (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant) until the concerned site is required for implementation of NDA development, provided that the relevant approval conditions, if any, have been complied with. Technical assessments, where appropriate, should be submitted to demonstrate that the continued operation of the current uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas and the concerns of the departments

and local residents, if any, can be addressed through the implementation of the approval conditions. In view of the impending implementation of NDAs, new open storage and port back-up uses are generally not encouraged to infiltrate into the NDAs. There is a general presumption against such uses at greenfield areas and/or at sites with land use compatibility issue, e.g. in close proximity to existing residential dwellings which may be subject to environmental nuisances caused by the open storage and port back-up uses.

- 12.4 Although the applied use is generally in line with the TPB PG-No. 13F in that the Site falls within HSK/HT NDA and three previous planning approvals (applications No. A/YL-HT/934 and A/HSK/7 and 59) for the same applied use have been given, it is noted that all the above applications were subsequently revoked due to non-compliance with a number of time-limited approval conditions with details in paragraph 6 above.
- 12.5 For the last planning permission under Application No. A/HSK/59, s.16A applications for EOT for compliance with planning conditions have been submitted for eight times and a total of 27 months have already been allowed for compliance with approval conditions on the implementation of drainage and tree preservation and landscape proposals and the submission and implementation of FSIs proposals. Whilst the applicant of the current application is different from those of the three previously approved applications, it is noted that the site condition and proposed layout of the Site under the current application are similar to those under the previous three planning permissions, and the main structure on site has existed since 2016 till present. The applicants' previous proposals for compliance with the approval conditions had not been submitted to the satisfaction of concerned Government departments. Although the current applicant has submitted a drainage proposal and a FSIs proposal in the application, these proposals have not been accepted by the concerned departments. It is doubtful that the potential drainage impact and fire risk could be duly addressed by way of imposing approval conditions. Under such circumstances, the development could cause adverse drainage impact and fire safety impact on the surrounding areas. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.
- 12.6 There is no adverse comments from concerned Government departments, except DEP. DEP does not support the application because there are sensitive uses in the vicinity and environmental nuisance is expected (**Plan A-2**).
- 12.7 Although 6 similar applications have been approved in the same "G/IC", "R(B)2" and "O" zones, they are not subject to repeated non-compliances with time-limited approval conditions.
- 12.8 Two public comments were received on the application during statutory publication period as summarised in paragraph 11. The planning considerations and assessments in the above paragraphs 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 comments mentioned in paragraph 11, the Planning Department does not support the application for temporary logistics centre for a period of 3 years for the following reason:

three previous planning permissions granted on the Site by the Board were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

- 13.2 Alternatively, 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 3 years until **9.10.2023** but with shorter compliance periods to monitor the fulfilment of the approval conditions. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no recycling, cleaning, repairing, dismantling work nor workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed queue back to or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing fencing within the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a drainage proposal within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **9.1.2021**;
- (g) in relation to (f) above, the implementation of the 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 **9.4.2021**;
- (h) in relation to (g) above, the implemented drainage facilities within the Site shall be maintained at all times during the planning approval period;
- (i) the implementation of the approved landscape proposal within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by **9.4.2021**;
- (j) the submission of a fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **9.1.2021**;
- (k) in relation to (j) above, the implementation of the 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 **9.4.2021**;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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

- (m) if any of the above planning conditions (f), (g), (i), (j) or (k) is not complied with by the above 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 VI**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

15. Attachments

Appendix I	Application Form with annex and plans received on 18.8.2020
Appendix Ia	FI received on 7.9.2020 providing FSIs proposal
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous Applications Covering the Site
Appendix IV	Similar Applications Within the Same “G/IC”, “R(B)2” and “O” Zones on the approved Hung Shui Kiu and Ha Tsuen OZP No. S/HSK/2
Appendices V-1 and 2	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Proposed Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	Catchment Plan
Drawing A-6	Proposed Fire Service Installations Plan
Drawing A-7	Proposed Fire Service Installations Plan (Lower Part Storage)
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 to 4d	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2020**