

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/353

- Applicant** : Mr. WONG Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 1709 (Part), 1710 (Part), 1711 (Part), 1712 (Part), 1713, 1714 (Part), 1715 (Part), 1719 (Part), 2276 S.A (Part), 2277 S.A, 2277 S.B (Part), 2278, 2279 S.A, 2279 S.B (Part), 2280 (Part), 2285 (Part), 2286, 2287, 2288, 2289, 2291, 2292, 2294, 2295, 2296 (Part), 2302 (Part), 2305 (Part), 2306, 2310, 2311, 2312, 2313, 2314 S.A, 2314 RP (Part), 2317 (Part), 2318 (Part), 2320 (Part), 2321, 2322, 2323, 2324, 2325 S.A, 2325 S.B, 2325 RP, 2326 (Part), 2327 (Part), 2328, 2329, 2344 S.A (Part), 2344 S.B (Part), 2348, 2349 (Part), 2351 (Part), 2352 (Part), 2353 (Part) and adjoining Government Land (GL) in D.D. 129, Lau Fau Shan, Yuen Long
- Site Area** : About 26,940 m² (including about 4,176 m² of GL (about 15.5%))
- Lease** : Block Government Lease (Demised for Agricultural Use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan (OZP) No. S/YL-LFS/9
- Zoning** : “Residential (Group E)” (“R(E)”)
- Application** : Temporary Logistics Centre with Ancillary Office and Parking of Vehicle 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 with ancillary office and parking of vehicle for a period of 3 years (**Plans A-1a and 1b**). The Site falls within an area zoned “R(E)” and the applied use is neither a Column 1 nor Column 2 use in the “R(E)” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for in terms of the OZP. The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is the subject of 12 previous applications (**Plan A-1b**) (No. A/YL-LFS/35, 47, 61, 108, 126, 138, 171, 188, 197, 213, 267 and 297) for temporary open

storage or logistics centre uses since 1998. The last application No. A/YL-LFS/297 for temporary logistics centre with ancillary office and parking of vehicle was approved by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 26.5.2017. However, the planning permission was revoked on 26.10.2019 due to non-compliance with approval conditions regarding the implementation of the accepted landscape proposal and the fire service installations (FSIs) proposal. Compared with the last application, the current application is submitted by the same applicant on the same site with the same layout and development parameters. Details of the previous applications are at paragraph 6 and **Appendix III**.

- 1.3 The Site is accessible from Lau Fau Shan Road via the adjoining logistics centre to the west which was covered by a valid planning permission (Application No. A/YL-LFS/334) by the same applicant (**Drawing A-1 and Plan A-1a**). According to the layout plan at **Drawing A-2**, there are 5 temporary structures including one single-storey warehouse (13m high) at the eastern part of the Site and an ancillary office, a toilet, a water tank and pump room and a guard room at the north-western part of the Site. The total gross floor area is about 17,638 m². 9 parking spaces including 4 for private car and 5 for medium and heavy goods vehicle, and 15 loading/unloading bays including 10 for medium and heavy goods vehicle, and 5 for container tractor/trailer are provided. The operation hours of the logistics centre are from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. Plans showing the vehicular access, site layout, landscape proposal, as-built drainage facilities and FSIs proposal are at **Drawings A-1 to A-5**.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 14.11.2019 (**Appendix I**)
 - (b) Supplementary planning statement including site plan, location plan with proposed vehicular access, proposed layout plan, proposed landscape plan and as-built drainage plan (**Appendix Ia**)
 - (c) Further Information (FI) received on 7.1.2020 providing responses to the comments of the Geotechnical Engineering Office of the Civil Engineering and Development Department (GEO, CEDD) and enclosing a Geotechnical Planning Review Report (GPRR) (**Appendix Ib**)
(accepted but not exempted from publication and recounting requirements)
 - (d) FI received on 9.3.2020 providing responses to the comments of GEO, CEDD and enclosing a revised GPRR (**Appendix Ic**)
(accepted but not exempted from publication and recounting requirements)
 - (e) FI received on 20.3.2020 and 6.4.2020 enclosing a FSIs proposal and Landscape proposal with photos of existing trees (**Appendix Id**)
(accepted and exempted from publication and recounting requirements)
 - (f) FI received on 16.4.2020 providing responses to the (**Appendix Ie**)

comments of GEO, CEDD and enclosing a revised GPRR
*(accepted but not exempted from publication and
recounting requirements)*

- (g) FI received on 18.5.2020 enclosing a revised FSIs proposal **(Appendix If)**
*(accepted and exempted from publication and recounting
requirements)*
- (h) FI received on 4.6.2020 providing response to the **(Appendix Ig)**
comments of the Chief Town Planner/Urban Design and
Landscape, Planning Department (CTP/UD&L, PlanD) and
enclosing a revised Landscape proposal with photos of
existing trees
*(accepted and exempted from publication and recounting
requirements)*

1.5 On 7.1.2020 and 6.3.2020, the Board agreed to defer a decision on the application each for two months as requested by the applicant. The applicant submitted FI as stated in paragraph 1.4 above. The application is now scheduled to be considered at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the supplementary planning statement at **Appendix Ia**. They can be summarized as follows:

- (a) The previous planning application (No. A/YL-LFS/297) was revoked due to non-compliance with approval conditions regarding the implementation of the FSIs proposal and the landscape proposal. For the implementation of the FSIs proposal, the applicant states that he had implemented the accepted FSIs proposal, which was finally found unacceptable to the Fire Services Department because of the excessive height of the rack at the Site. The applicant has submitted the FSIs proposal and commits that he will provide layers of sprinkler at the racks under the new application. For the implementation of the landscape proposal, the applicant states that the inspection of the existing trees was difficult as most of the trees were found outside the site fencing. He commits that he will provide doors at the site fencing to facilitate the inspection under the new application.
- (b) There has been no significant change in the planning circumstance and surrounding environment pertaining to the Site since the last planning permission.
- (c) The Site is situated within the Category 2 areas of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”. The Site has been granted 11 planning permissions for open storage and port back-up uses by the Board since 1998. Preliminary technical assessments on the traffic, drainage, visual and environmental aspects demonstrate that the development would not generate adverse impacts to the surrounding areas. The development therefore meets the Board’s guidelines, and favourable consideration should be given to the application as other approved applications adjoining the Site.

- (d) The planning intention of the “R(E)” zone is unrealizable in the near future due to the lack of adequate infrastructure such as public sewerage system, Tso Tong and fragmented land ownership. An alternative temporary use should be permitted in the interim to make economic use of the scarce land resources and generate additional employment opportunities. Since open storage yards to the northwest and west of the Site were approved by the Board on temporary basis, the proposed development is compatible with the surrounding environment.

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 notice on 3 local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31A is not applicable.

4. Background

It is noted that the Site is currently used for temporary logistics centre with ancillary office and parking of vehicle without valid planning permission because the previous application (No. A/YL-LFS/297) was revoked on 26.10.2019. The Site is currently not subject to active enforcement action. Should there be sufficient evidence to prove that the use on the Site constitutes an unauthorized development under the Town Planning Ordinance, enforcement action would be instigated.

5. 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 under Section 16 of the Town Planning Ordinance (TPB PG-No. 13F). The Site falls within Category 2 areas under the TPB PG-No. 13F. Relevant extracts of the Guidelines are at **Appendix II**.

6. Previous Applications

- 6.1 The Site is the subject of 12 previous applications (No. A/YL-LFS/35, 47, 61, 108, 126, 138, 171, 188, 197, 213, 267 and 297) for open storage or logistics centre uses (**Appendix III**). All applications except application No. A/YL-LFS/108 were approved by the Committee/Board since 1998, in which five were revoked (Applications No. A/YL-LFS/61, 126, 188, 267 and 297) for non-compliance of approval conditions. Details of these previous applications are shown in **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-LFS/35 and 47 covering a larger site for temporary open storage of containers and ancillary visitor parking, trailer parking, equipment storage and office in the then “Comprehensive Development Area” (“CDA”) zone, were approved with conditions by the Committee on 27.11.1998 and 14.1.2000

respectively for a period of 12 months on the considerations that developments on a temporary basis were not incompatible with the adjacent land uses, mitigation measures would be carried out to minimize adverse landscape and traffic impacts and the temporary use could act as an interim arrangement to alleviate the acute shortage of open storage and port back-up sites in the area.

- 6.3 Application No. A/YL-LFS/61 covering the same site as Applications No. A/YL-LFS/35 and 47 for temporary open storage of containers, construction materials and machinery with ancillary visitor and trailer parking, equipment storage and office mainly in the “R(E)” zone and partly in the “Green Belt” (“GB”) and “Village Type Development” (“V”) zones, was approved with conditions by the Committee on 22.12.2000 for a period of 3 years on the considerations that the temporary development is not incompatible with the adjacent land uses, approval of the application would not lead to a further degradation of the traffic and environmental conditions in the area, the temporary use could act as an interim arrangement to alleviate the acute shortage of open storage and port back-up sites in the area and would not frustrate the planning intention of the “R(E)” zone. It was revoked on 22.6.2001 due to non-compliance with approval conditions regarding the implementation of drainage proposal and the night-time operation at the application site.
- 6.4 Application No. A/YL-LFS/108 for temporary open storage of containers, construction materials and machinery with ancillary visitor parking, trailer parking, equipment storage and office in “R(E)” zone, was rejected by the Board upon review on 14.11.2003 for the reason that there was insufficient information in the submission to demonstrate that the development would not have adverse environmental and drainage impacts on the surrounding area.
- 6.5 Applications No. A/YL-LFS/126, 138, 171 and 188 covering more or less the same site as Application No. A/YL-LFS/61 for temporary open storage of containers and construction materials with ancillary visitor/trailer parking and office in the “R(E)” zone, were approved with conditions between 2005 and 2009 by the Committee for a period of 1 year or 3 years on the considerations that there was no immediate development proposal for the site and the applied use was temporary in nature which could be tolerated in the interim, approvals for similar or same uses were given due to the demand for open storage and port back-up uses in the area and the temporary use would not frustrate the planning intention of the “R(E)” zone.
- 6.6 Applications No. A/YL-LFS/197 and 213 covering more or less the same site as the current application for temporary open storage of containers with ancillary container repair workshop were approved by the Board on review for a period of 1 year or 3 years on 23.7.2010 and 12.8.2011 respectively on similar considerations as mentioned in paragraph 6.5 above.
- 6.7 The last two applications No. A/YL-LFS/267 and 297 covering the same site as the current application by the same applicant for temporary logistics centre with ancillary office and parking of vehicle were approved by the Committee for a period of 3 years on 14.11.2014 and 26.5.2017 respectively on similar considerations as mentioned in paragraph 6.5 above. They were revoked on 13.4.2017 and 26.10.2019 respectively due to non-compliance with approval

conditions regarding the implementation of the FSIs proposal and/or the landscape proposal.

- 6.8 Compared with the last approved application No. A/YL-LFS/297, the current application is submitted by the same applicant on the same site with the same layout and development parameters.

7. **Similar Applications**

Within the same “R(E)” zone, there are 3 similar applications (No. A/YL-LFS/276, 290 and 334) covering the same site at the immediate west of the Site for temporary logistics centre with ancillary canteen and site office/trailer park for a period of 3 years. They were approved with conditions by the Committee between 2015 and 2019 on the considerations that there was acute shortage of such uses and the development was generally in line with the then TPB PG-No. 13E. 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** (Plan A-1a to Plan A-4c)

8.1 The Site is:

- (a) currently being used for the applied use without valid planning permission; and
- (b) accessible from Lau Fau Shan Road via the adjoining logistics centre to the west.

8.2 The surrounding areas have the following characteristics: :

- (a) to its northeast and west within the same “R(E)” zone are a warehouse tolerated under the Town Planning Ordinance, a logistics centre with ancillary canteen and site office with a valid planning permission under Application No. A/YL-LFS/334, a vacant school, fallow agricultural land and few residential dwellings (the nearest residential dwelling is being about 5m away) (**Plan A-2**);
- (b) to its southeast within the adjoining “GB” zone is vacant land;
- (c) to its further southwest within the adjoining “V” zone is the village settlement of San Hing Tsuen; and
- (d) to its north within the adjoining “Recreation” zone are graves and residential dwellings.

9. **Planning Intention**

The “R(E)” zone is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing

industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

10. Comments from Relevant Government Departments

10.1 The following Government departments have been consulted and their views on the application 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 Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Portion of GL of about 4,090 m² within the Site is held under Short Term Tenancy (STT) No. 2877 for the purpose of “Temporary Logistics Centre with Ancillary Office and Parking of Vehicle”.
- (c) No permission has been given for occupation of GL (about 86m²) in area (subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is not allowed. With the implementation of the tightened arrangements for handling regularization applications, LandsD will no longer accept application for regularization of new or extension of unlawful occupation of GL or erection of new structures which is found commenced on or after 28 March 2017.
- (d) The private lots (PL) which are covered by Short Term Waivers (STWs) in the Site are listed below:

STWs No.	Lots No. in D.D. 129	Purpose
4240	2305	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle
4241	1710	
4242	1711, 1713, 1715, 2278, 2286, 2291 & 2311	
4243	1712, 1714, 2294 & 2295	
4244	2276 S.A	
4245	2277 S.A	
4246	2279 S.A	
4247	2279 S.B	
4248	2285 & 2287	
4249	2288	
4250	2289, 2292 & 2310	
4251	2296	
4252	2302	

4253	2306	Temporary Logistics Centre with Ancillary Office and Parking of Vehicle
4254	2312	
4255	2313	
4256	2314 S.A	
4257	2277 S.B	
4311	2344 S.A	Temporary Open Storage of Metal Ware, Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park
4312	2344 S.B	
4765	2349	Temporary Logistics Centre, Open Storage of Construction Machinery and Material, Brand-new Trailer with Ancillary Canteen and Trailer Park
4766	2351	
4767	2352	
4768	2353	
4944	1709	Warehouse for General Storage (excluding dangerous goods), Workshops for Metal and Wooden Products and Ancillary Use
4945	1715 & 1719	

- (e) The Site is accessible from Lau Fau Shan Road through GL and PL. LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way to the Site.
- (f) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (g) Should planning approval be given to the planning application, the STT/STW holder(s) will need to apply to his office for modification of the STT/STW conditions where appropriate. The owner(s) of lot without STW will need to apply to his office to permit the structures to be erected or regularize any irregularity on site, if any. Also, the applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Besides, given the applied use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. No construction of New Territories Exempted Building(s) will be considered or allowed. 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 the application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by LandsD.

Environment

10.1.2 Comment of the Director of Environmental Protection (DEP):

- (a) DEP does not support the application as the logistics centre would involve the use of heavy vehicles. Besides, there are sensitive receivers in vicinity of the Site (the nearest residential dwelling is being about 5m away) and environmental nuisance is expected.
- (b) No environmental complaint pertaining to the Site has been received in the past three years.
- (c) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP).

Traffic

10.1.3 Comments of the Commissioner for Transport (C for T):

- (a) He has no adverse comment on the application from traffic engineering point of view.
- (b) Sufficient manoeuvring spaces shall be provided within the Site. No vehicles are allowed to queue back to public roads or reverse onto/from the public roads.
- (c) The local track leading to the Site is not under Transport Department (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.

10.1.4 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 the nearby public roads/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Lau Fau Shan Road.

Landscape

10.1.5 Comments of the CTP/UD&L, PlanD:

- (a) With reference to the aerial photo of 2018, the Site is situated in an area of rural landscape character predominated by temporary

structures and open storage yards. In view of previous approved Application No. A/YL-LFS/297 for the same use, significant change to the landscape character arising from the continued use of the application is not envisaged.

- (b) She has no adverse comment on the planning application and the submitted landscape proposal from landscape planning perspective.
- (c) Should the application be approved by the Board, the following condition should be stipulated:

Implementation of the accepted landscape proposal to the satisfaction of the Director of Planning or of the Board.

Nature Conservation

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

- (a) She has no adverse comment on the application from nature conservation point of view as the Site has been occupied for similar uses as previously approved.
- (b) Nevertheless, public complaint on suspected unauthorized tree felling, as well as unauthorized occupation of GL, noise and traffic nuisance at Lots 2344S.A, 2364 and 2365 in D.D. 129 and adjoining GL was received in January 2018. In view of the above, should the application be approved, the applicant is advised to ensure that the trees and vegetation on GL within and adjacent to the Site would not be affected.

Building Matters

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

- (a) If the existing structures (not being a New Territories Exempted Houses) are erected on leased land without the approval of the Building Authority (BA), they are unauthorized building works (UBW) under the Buildings Ordinance (BO) and should not be designated for any proposed use under the application.
- (b) For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing 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.
- (c) Before any new building works (including containers/open sheds as temporary buildings, demolition and land filling) are to be carried out on the Site, prior approval and consent of the BA should be

obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.

- (d) 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.
- (e) The Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Geotechnical

10.1.8 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);

- (a) He has no adverse geotechnical comments on the application.
- (b) It is noted in the revised GPRR and revised pages of the GPRR that the Consultants propose to carry out further study on the stability of Feature Nos. 2SW-C/C110 and 2SW-C/C112. The applicant is reminded to submit necessary slope remedial/site formation works to BD for approval as required under the BO.

Drainage

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

- (a) He has no objection in principle to the application from drainage point of view.
- (b) Should the application be approved, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his department.
- (c) The applicant is reminded that the required condition record should include coloured photos showing the current condition of the drainage facilities and a layout plan indicating the locations of the photos taken. The submitted photos should cover all internal surface channels, catch pits, sand traps, manholes, terminal catch pits/manholes and the downstream discharge path as indicated on the submitted drainage proposal.

Fire Safety

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

- (a) He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) The revised FSIs proposal submitted by the applicant is considered acceptable to his department.
- (c) The applicant should be advised that the installation/maintenance/modification/repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). After completion of the installation/maintenance/modification/repair work, the RFSIC shall issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS.
- (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.

District Officer's Comments

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

His office has not received any comment from locals on the application.

10.2 The following Government departments have no comment on the application:

- (a) Project Manager (West), CEDD (PM(W), CEDD);
- (b) Principal Project Coordinator/Special Duty, DSD (PPC/SD, DSD);
- (c) Director of Electrical and Mechanical Services (DEMS);
- (d) Director of Food and Environmental Hygiene (DFEH);
- (e) Director of Leisure and Cultural Services (DLCS);
- (f) Commissioner of Police (C of P); and
- (g) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

11. Public Comments Received During Statutory Publication Period

11.1 On 26.11.2019, 21.1.2020, 24.3.2020 and 28.4.2020, the application and its FI was published for public inspection. During the statutory public inspection periods, 49 public comments were received from the N.T. Oyster and Aquatic Products United Association, the Lau Fau Shan Chamber of Commerce, a district council member, seafood companies, villagers and individuals. All are objecting to the application. Samples of similar comments and other individual comments are attached at **Appendices V-1 to V-7**. All the public comments received are

deposited at the meeting for Member's inspection.

11.2 Major objection reasons are summarised as follows:

- (a) the applied use is not in line with the planning intention of the "R(E)" zone;
- (b) the planning intention of the "R(E)" zone has been unrealized for 20 years;
- (c) two previous applications (No. A/YL-LFS/267 and A/YL-LFS/297) were revoked in 2017 and 2019 respectively;
- (d) the Site is very close to residential dwellings and the applied use will generate adverse traffic, environmental, drainage, sewerage and health impacts, lead to degradation of the surrounding environment/agricultural land and affect the ecology of Wetland Buffer Area in the proximity;
- (e) the Board should not encourage "destroy first, build later" attitude; and
- (f) approval of the application would set an undesirable precedent for similar applications within the same "R(E)" zone.

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre with ancillary office and parking of vehicle for a period of 3 years. The Site falls within the "R(E)" zone, which is intended primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem. Although the applied use is not in line with the planning intention of the "R(E)" zone, there is no known development proposal for the Site and the applied use is temporary in nature which could be tolerated in the interim. In this regard, approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the Site.

12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly occupied for logistics centre and warehouses (**Plan A-2**).

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

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 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, 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 applied use is generally in line with the TPB PG-No. 13F in that there are previous approvals at the Site (**Plan A-1b**) and there is no adverse comment from concerned Government departments except DEP. DEP does not support the application because the applied use would involve heavy vehicles and there are sensitive uses in vicinity of the Site (the nearest residential dwelling is about 5m away), and environmental nuisance is expected. However, there was no environmental complaint against the Site received by DEP in the past 3 years. To minimize any possible environmental impacts and nuisance on the surrounding areas, and to address the technical requirements of the concerned Government departments, relevant approval conditions are recommended in paragraphs 13.2 below. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on site will be subject to enforcement action by the Planning Authority. 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” in order to minimize the possible environmental impacts on the nearby sensitive receivers.

12.5 Given that 11 previous approvals for temporary open storage/logistics centre uses have been granted to the Site and three similar applications were approved within the same "R(E)" zone, approval of the current application is in line with the Committee's previous decisions. Nevertheless, two previous approvals (No. A/YL-LFS/267 and A/YL-LFS/297) for the same use by the same applicant were revoked due to non-compliance with the time-limited approval conditions requiring the implementation of the FSIs proposal and the landscape proposal. For the current application, the applicant has undertaken to comply with the approval conditions to be imposed and has demonstrated effort to submit a FSIs proposal and a landscape proposal in support of the application. Both D of FS and CTP/UD&L,PlanD consider that the submitted proposals are acceptable and have no objection to the application. Hence, approval conditions regarding the implementation of the accepted FSIs proposal and landscape proposal are recommended in paragraph 13.2. In view of this, sympathetic consideration may be given to the application. However, shorter compliance period is recommended in order to closely monitor the progress on compliance with approval conditions. Moreover, should the application be approved, the applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

12.6 There are 49 public comments received objecting to the application on the grounds as summarized in paragraph 11 above. The planning considerations and assessments in paragraph 12.1 to 12.5 above are relevant.

13. Planning Department's Views

13.1 Based on the assessment made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the temporary logistics centre with ancillary office and parking of vehicle could be tolerated for a period of 3 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 3 years until **12.6.2023**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 9:00 p.m. and 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, cleansing, dismantling, repairing or other workshops activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities 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 **12.9.2020**;
- (g) the implementation of the accepted 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 **12.12.2020**;
- (h) the implementation of the accepted 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 **12.12.2020**;
- (i) if any of the above planning conditions (a), (b), (c), (d) or (e) 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
- (j) if any of the above planning conditions (f), (g) or (h) 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**.

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas.

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 received on 14.11.2019
Appendix Ia	Supplementary planning statement including site plan, location plan with proposed vehicular access, proposed layout plan, proposed landscape plan and as-built drainage plan
Appendix Ib	FI received on 7.1.2020 providing responses to the comments of the GEO, CEDD and enclosing a GPRR
Appendix Ic	FI received on 9.3.2020 providing responses to the comments of GEO, CEDD and enclosing a revised GPRR
Appendix Id	FI received on 20.3.2020 and 6.4.2020 enclosing a new FSIs proposal and Landscape proposal with photos of existing trees
Appendix Ie	FI received on 16.4.2020 providing responses to the comments of GEO, CEDD and enclosing a revised GPRR
Appendix If	FI received on 18.5.2020 enclosing a revised FSIs proposal
Appendix Ig	FI received on 4.6.2020 providing response to the comments of UD&L, PlanD and enclosing a revised Landscape Proposal with photos of existing trees
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 for Open Storage/Logistic Centre Uses within the same "R(E)" zone on the Approved Lau Fau Shan and Tsim Bei Tsui OZP since 17.10.2008
Appendices V-1 to V-7	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Location Plan with Proposed Vehicular Access
Drawing A-2	Proposed Layout Plan

Drawing A-3	Proposed Landscape Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	Fire Service Installations Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos

**PLANNING DEPARTMENT
JUNE 2020**