

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/426

- Applicant** : Honest Board Development Limited represented by Metro Planning & Development Company Limited
- Site** : Various lots in D.D.129 and adjoining Government Land (GL), Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 26,940m² (including GL of about 4,176m² or 15.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11
- Zoning** : “Residential (Group E)” (“R(E)”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m) including car park]
- Application** : Temporary Logistics Centre with Ancillary Office and Parking of Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre with ancillary office and parking of vehicles for a period of 3 years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “R(E)” on the approved Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/11. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of 3 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 uses with valid planning permission (under Application No. A/YL-LFS/353) until 12.6.2023 (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from Lau Fau Shan Road via a local track (**Drawing A-2**). As shown on the layout plan at **Drawing A-1**, the proposal comprises 6 structures of 1 to 2 storeys (about 3m to 13m) high, with a total floor area of about 17,658m². The structures are for logistics warehouse, ancillary office, toilets, water tank and pump room, as well as guard room uses. The ingress/egress point is located at the west of the Site. 5 parking spaces for heavy goods vehicle (HGV) or medium goods vehicle (MGV), and 4 for private cars are provided. Also, 10 loading/unloading spaces for HGV or MGV and 5 for container vehicles are provided.

- 1.3 According to the applicant, the operation hours would be between 7 a.m. and 9 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays.
- 1.4 The layout plan, vehicular access plan, fire service installations (FSIs) proposal, as-built drainage plan and landscape plan are at **Drawings A-1 to A-5** respectively.
- 1.5 The Site is the subject of 13 previous applications (No. A/YL-LFS/35, 47, 61, 108, 126, 138, 171, 188, 197, 213, 267, 297 and 353) (details at paragraph 6 below).
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 23.5.2022 (Appendix I)
 - (b) Supplementary Information (SI) received on 31.5.2022 (Appendix Ia)
 - (c) SI received on 2.6.2022 (Appendix Ib)
 - (d) Further Information (FI) received on 24.6.2022* (Appendix Ic)
 - (e) FI received on 28.6.2022* (Appendix Id)
 - (f) FI received on 30.6.2022* (Appendix Ie)
 - (g) FI received on 7.7.2022* (Appendix If)

** accepted and exempted from publication 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** and the FIs at **Appendices Ie and If**. They can be summarised as follows:

- (a) Fresh application is submitted because a structure (i.e. Structure No. 6 for toilet use) is added, making the layout different from that of the approved development scheme under previous application No. A/YL-LFS/353.
- (b) Although FSIs have been installed on the Site as per the accepted FSIs proposal of the previous application No. A/YL-LFS/353, the approval condition on the implementation of the FSIs proposal has not been complied with because fire service water supply is yet to be available. With the approval for commencement of plumbing works by the Water Supplies Department (WSD) in January 2022, the fire service water connection works on the part carried out by the applicant were completed in May 2022. The connection works on the part by WSD are in progress.
- (c) The proposed temporary use would not jeopardise the long-term planning intention of the “R(E)” zone.
- (d) The Site falls within Category 2 areas under the Town Planning Board Guidelines No. 13F for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance”. The application conforms to the said guidelines.
- (e) The applied use is not incompatible with the surroundings with open storage and port back-up uses.

- (f) The Site is subject to previous applications for the same applied use. There are also similar applications at the adjoining sites. There has not been any major change in the planning circumstances since the approval of these applications.
- (g) There is shortage of land for port back-up uses in Lau Fau Shan.
- (h) No recycling, cleaning, repairing, dismantling works and workshop activity would be allowed at the Site. The applied use will not generate significant traffic, environmental and drainage impacts.

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 notice at the Site and publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

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. 13F) promulgated on 27.3.2020 are relevant to the application. The Site falls within Category 2 areas under the Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site is the subject of 13 previous applications (No. A/YL-LFS/35, 47, 61, 108, 126, 138, 171, 188, 197, 213, 267, 297 and 353) for open storage or logistics centre uses. All except application No. A/YL-LFS/108 were approved by the Rural and New Town Planning Committee (the Committee) between 1998 and 2020, of which 5 were revoked (Applications No. A/YL-LFS/61, 126, 188, 267 and 297) for non-compliance with approval conditions. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Approved Applications

- 6.2 Applications No. A/YL-LFS/35, 47, 61, 126, 138, 171 and 188 covering a larger site for temporary open storage of containers and/or construction materials and machineries with trailer parking were approved with conditions by the Committee between 1998 and 2009 mainly on considerations that there was no definite

programme to implement the zoned uses¹; the applied use on a temporary basis was not incompatible with the surroundings; there was generally no adverse comments from the concerned government departments and/or the technical concerns could be addressed through implementation of approval conditions; and/or the applied use could relieve the acute shortage of land for open storage and port back-up uses. Nevertheless, the permissions under applications No. A/YL-LFS/61, 126 and 188 were subsequently revoked between 2001 and 2009 due to non-compliance with approval conditions.

- 6.3 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 with conditions by the Committee in 2009 and 2010 respectively on similar considerations as mentioned in paragraph 6.2 above.
- 6.4 Applications No. A/YL-LFS/267, 297 and 353 covering the same site and for the same use as the current application for a period of 3 years were approved with conditions by the Committee between 2014 and 2020 on similar considerations as mentioned in paragraph 6.2 above. Nevertheless, the permissions under applications No. A/YL-LFS/267 and 297 were subsequently revoked in 2017 and 2019 respectively due to non-compliance with time-limited approval conditions on the implementation of FSIs proposal (for both applications) and/or landscape proposal (for application No. A/YL-LFS/297 only). For application No. A/YL-LFS/353 which is valid until 12.6.2023, while the approval condition requiring the implementation of landscape proposal has been complied with, the approval conditions requiring the implementation of FSIs proposal and the submission of condition record of existing drainage facilities have not been complied with to date.
- 6.5 Compared with the last previous application No. A/YL-LFS/353, the current application is submitted by a different applicant for the same use at the same site with similar layout and development parameters, i.e. the current application has an additional structure (i.e. Structure No. 6) of 20m² for toilet use (**Drawing A-1**).

Rejected Application

- 6.6 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 in 14.11.2003 for the reason of insufficient information to demonstrate that the applied uses would not have adverse environmental and drainage impacts on the surrounding area.

7. Similar Applications

- 7.1 Within the same “R(E)” zone, there are 2 similar applications (No. A/YL-LFS/334 and 397) for temporary logistics centre in the past 5 years. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

¹ The site where applications No. A/YL-LFS/35, 47, 61, 126, 138, 171 and 188 were situated was mainly zoned “Comprehensive Development Area” on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/1 gazetted in 1994. Majority of the site was subsequently rezoned to “Residential (Group E)” on the draft Lau Fau Shan and Tsim Bei Tsui OZP No. S/YL-LFS/4 gazetted in 2000.

- 7.2 Applications No. A/YL-LFS/334 and 397 covering the same site were approved with conditions by the Committee in 2019 and 2021 respectively mainly on considerations that temporary permission would not jeopardise the long-term planning intention; the applied use is not incompatible with the surrounding land uses; it is generally in line with the (then) TPB PG-No. 13E/13F; there is generally no adverse comments from the concerned government departments, or that the technical concerns could be addressed by approval conditions.

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

8.1 The Site is:

- (a) erected with temporary structures and being used for the applied use with valid planning permission under application No. A/YL-LFS/353 until 12.6.2023; and
- (b) accessible from Lau Fau Shan Road via the adjoining logistic centre to the west.

8.2 The surrounding areas have the following characteristics. Some of the uses are suspected unauthorised developments (UDs) subject to enforcement action by the Planning Authority:

- (a) to the north are storage yards for construction materials and machineries, vehicle parks, warehouse, workshop intermixed with isolated residential dwellings, vacant land, grave and shrubland;
- (b) to the east are an open storage yard for construction materials and a vehicle park. To the southeast and south are shrubland intermixed with graves which falls within the Permitted Burial Ground No. YL/59; and
- (c) to the west are a vacant school premises of the former Tai Shing Public School and a logistics centre covered by valid planning permission (Application No. A/YL-LFS/397). To the southwest is the recognised village of San Hing Tsuen.

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 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in

the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government department does not support the application.

Environment

10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) He does not support the application as the applied use involves heavy vehicles and there is sensitive receiver, i.e. residential dwelling located to the northwest of the Site. Environmental nuisance is expected.
- (b) There is no substantiated environmental complaint pertaining to the Site received in the past 3 years.
- (c) The applicant should be reminded of the advisory comments at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 7.6.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments were received from individuals (**Appendices VI-1 and VI-2**) objecting to the application on grounds that the application is subject to repeated revocations, and the applied use would generate adverse traffic, environmental and fire safety impacts.

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre with ancillary office and parking of vehicles for a period of 3 years at the Site. The Site is zoned “R(E)” 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. Whilst the applied use is not in line with the planning intention of the “R(E)” zone, there is no known development proposal to implement the zoned use at the Site. The applied use which is temporary in nature would unlikely frustrate the planning intention of the Site in the long run.

12.2 The Site is located in a locality predominated by logistic centre, vehicle parks and warehouses/storage yards. The applied use is considered generally not incompatible with the surrounding land uses.

12.3 Concerned government departments including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD), Director of Fire Services (D of FS) and Head of Geotechnical Engineering Office of Civil Engineering and Development Department have no objection to the application, except DEP. DEP does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwellings being about 5m

to the northwest of the Site) and the applied use involves use of heavy vehicles. Environmental nuisance is expected. However, there has been no environmental complaint pertaining to the Site received in the past 3 years. To minimise any possible environmental nuisance, approval conditions restricting the operation hours are recommended in paragraph 13.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on-site will be subject to enforcement action by the Planning Authority. The applicant will also be advised to adopt the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'. The technical requirements of CE/MN of DSD and D of FS could also be addressed by imposing approval conditions in paragraph 13.2 below.

- 12.4 According to TPB PG-No. 13F, the Site falls within Category 2 areas. 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.

- 12.5 The application is generally in line with TPB PG-No. 13F in that the local concerns and technical concerns of the relevant government departments could be addressed through the implementation of approval conditions.

- 12.6 The Site is involved in 13 previous applications, with the last 3 previous applications (No. A/YL-LFS/267, 297 and 353) for the same applied use which were approved with conditions by the Committee between 2014 and 2020. Subsequently, the planning permissions under applications No. A/YL-LFS/267 and 297 were revoked in 2017 and 2019 respectively due to non-compliance with time-limited approval conditions requiring the implementation of FSIs and/or landscape proposal. For the last previous application No. A/YL-LFS/353 which is valid until 12.6.2023, while the approval condition requiring the implementation of landscape proposal has been complied with, the approval conditions requiring the implementation of FSIs proposal and the submission of condition record of existing drainage facilities have not been complied with to date. For the current application, although it is submitted by a different applicant, the site layout and development parameters are much similar to the last 3 previous applications. The applicant stated that the commencement of plumbing works for fire service water supply was approved in January 2022. The fire service water connection works on the part carried out by the applicant were completed in May 2022 and those by WSD are in progress. It is under these circumstances that the approval condition of the last previous application No. A/YL-LFS/353 requiring the implementation of the FSIs proposal has yet to be complied with. In support of the current application, the applicant has submitted as-built drainage plan as well as FSIs and landscape proposals (**Drawings A-3 to A-5**). The FSIs proposal has been accepted by D of FS, whilst CE/MN of DSD and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection nor adverse comment on the application. As such, sympathetic consideration may be given to the current application. Should the application be approved, the applicant will be advised that should it fail to comply with any of the approval conditions resulting in revocation of the planning permission, sympathetic consideration would

not be given to any further application unless under very special circumstances.

12.7 Given that 3 previous approvals for logistic centre have been granted to the Site, and 2 similar applications have been approved in the same “R(E)” zone in the past 5 years, approval of the current application is generally in line with the Committee’s previous decisions.

12.8 2 public comments objecting to the application were received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department’s Views

13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that temporary logistics centre with ancillary office and parking of vehicles 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 **15.7.2025**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) no operation from 9:00 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) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on the Site 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 **15.10.2022**;
- (e) the implementation of the accepted 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 **15.4.2023**;
- (f) if any of the above planning condition (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (d) or (e) 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 V**.

- 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 planning 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 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 23.5.2022
Appendix Ia	Supplementary Information received on 31.5.2022
Appendix Ib	Supplementary Information received on 2.6.2022
Appendix Ic	Further Information received on 24.6.2022
Appendix Id	Further Information received on 28.6.2022
Appendix Ie	Further Information received on 30.6.2022
Appendix If	Further Information received on 7.7.2022
Appendix II	Extracts of Town Planning Board Guidelines for "Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 and VI-2	Public Comments Received During Statutory Publication Period
Drawing A-1	Layout Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Fire Service Installations Proposal
Drawing A-4	As-built Drainage Plan
Drawing A-5	Landscape Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Location Plan with Previous Applications
Plan A-2	Site Plan
Plans A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2022**