

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-LFS/519

- Applicant** : 黃國榮 (Mr.) represented by 海願規劃發展公司
- Site** : Lots 2179, 2180, 2181 RP, 2191 and 2192 in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 3,376m²
- 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/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** : Proposed Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics centre for a period of three years at the application site (the Site) (**Plan A-1**) zoned “R(E)” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the proposed use without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site directly abuts and is accessible from Lau Fau Shan Road (**Drawing A-1, Plans A-2 and A-3**). As shown on the layout plan submitted by the applicant at **Drawing A-1**, six structures of one to three storeys (about 3m to 13m in height) with a total floor area of about 3,121m² are used for logistics centre, toilet and guard room, meter room, rain shed, fire service pump room, office and resting room. One loading/unloading (L/UL) space for heavy goods vehicle and two L/UL spaces for container vehicles are provided.
- 1.3 According to the applicant, the operation hours are between 8 a.m. and 8 p.m. from Mondays to Saturdays. There is no operation on Sundays and public holidays.

- 1.4 In support of the application, the applicant has submitted the Application Form with attachment which was received on 12.4.2024 (**Appendix I**).

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 summarised as follows:

- (a) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “R(E)” zone;
- (b) traffic generated by the proposed use would concentrate in off-peak hours and would not be significant. Sufficient manoeuvring space would be provided to facilitate turning and U-turn movement of vehicles. No vehicles would queue back to or reverse onto/from public roads. Hence, the proposed use would not cause adverse traffic impact to the local road network;
- (c) there would be no night-time operation. Hence, no adverse environmental impact would be generated;
- (d) the proposed use could facilitate the proper management of the Site. By preventing dumping or fly-tipping at the Site, the local environment would be improved; and
- (e) similar applications were approved with conditions by the Board within the same “R(E)” zone.

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. 31B) by posting site notice and sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines No.13G for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within the Category 2 areas under the TPB PG-No. 13G. Relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The logistics centre use on-site would be subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in three previous applications (No. A/YL-LFS/153, 196 and 446) for temporary open storage or temporary warehouse uses. All of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board. Details of the applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-LFS/153 and 196 for proposed temporary open storage of construction materials/machineries and/or recycling materials for a period of three years were approved with conditions by the Committee in 2007 and 2009 respectively. Application No. A/YL-LFS/446 for proposed temporary warehouse for storage of foods for a period of three years was approved with conditions by the Committee in 2022. The considerations of these previous applications are not relevant to the current application which involves a different use.

7. Similar Applications

- 7.1 There are two similar applications (No. A/YL-LFS/ 397 and 426) for temporary logistics centre within the same “R(E)” zone in the past five years. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1**.
- 7.2 Applications No. A/YL-LFS/397 and 426 were approved with conditions by the Committee in 2021 and 2022 respectively mainly on considerations that temporary approval would not jeopardise the long-term planning intention; the applied use was not incompatible with the surrounding land uses; it was generally in line with the then TPB PG-No. 13F [these two cases were processed after promulgation of TPB PG-No. 13F in 2020, so there is no need to mention 13E]; there was generally no adverse comment from the concerned government departments and the technical concerns could be addressed by approval conditions.

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

- 8.1 The Site is:
- (a) erected with temporary structures and being used for the proposed use without valid planning permission; and
 - (b) directly abutting and accessible from Lau Fau Shan Road at its southwest.
- 8.2 The surrounding areas are predominated by vehicles parks and open storage yards. Other uses such as logistics centre, warehouse, eating places and vehicle repair workshop are also found in the vicinity of the Site. Some of the surrounding uses are covered by valid planning permissions, whilst some are suspected unauthorized development subject to planning enforcement action.

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 proposed use involves heavy vehicles and there is sensitive receiver, i.e. a residential dwelling located to the northeast (at about 60m) of the Site. Environmental nuisance is expected.
- (b) There is no substantiated environmental complaint pertaining to the Site received in the past three years.
- (c) The applicant should note his advisory comments at **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 19.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VI**) was received objecting to the application on grounds that the approval conditions of the last previous application have not been complied with.

12. Planning Considerations and Assessments

12.1 The application is for temporary logistics centre for a period of three years at the Site zoned “R(E)” on the OZP (**Plan A-1**). Although the proposed 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. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(E)” zone.

- 12.2 The Site is located in an area predominated by vehicle parks and open storage yards, some of which are covered by valid planning permission. The proposed use is considered generally not incompatible with the surrounding land uses.
- 12.3 According to TPB PG-No. 13G, the Site falls within Category 2 areas. The application is generally in line with TPB PG-No. 13G in that except DEP, there are generally no adverse comments from concerned government departments including the Commissioner for Transport, Chief Town Planner/Urban Design and Landscape of Planning Department, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) from traffic, landscaping, drainage and fire safety perspective respectively. The technical requirements of CE/MN of DSD and D of FS could be addressed by imposing approval conditions recommended in paragraph 13.2 below.
- 12.4 DEP does not support the application as there are sensitive receivers in the vicinity of the Site (the nearest residential dwellings being about 60m to the northeast of the Site) (**Plan A-2**) and the proposed use involves the use of heavy vehicles. Nonetheless, the Site directly abuts Lau Fau Shan Road where similar logistics centre use involving parking of container vehicles were approved, and there has been no environmental complaint pertaining to the Site received in the past three years. To minimise any possible environmental nuisance, relevant approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' should the application be approved.
- 12.5 The Committee has approved two similar applications for logistics centre within the same "R(E)" zone in the past five years (**Plan A-1**). Approval of the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the public comment received objecting to the application on ground as summarised on paragraph 11 above, it should be noted that non-compliance with approval conditions would lead to revocation of planning permission, and sympathetic consideration may not be given for further application.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary logistics centre could be tolerated for a period of three years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until **7.6.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation from 8:00 p.m. to 8:00 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 to the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to public road or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.12.2024**;
- (e) in relation to (d) above, the implementation of the drainage proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **7.3.2025**;
- (f) in relation to (e) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the submission of a fire service installations proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.12.2024**;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within **9 months** from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **7.3.2025**;
- (i) if any of the above planning condition (a), (b), (c) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning condition (d), (e), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

Advisory clauses

The recommended advisory clauses are attached at **Appendix V**.

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

- (a) the proposed use is not in line with the planning intention of the "R(E)" zone, which is primarily for phasing out of existing industrial uses through

redevelopment for residential use on application to the Board. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and

- (b) the applicant fails to demonstrate that the proposed use 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 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 12.4.2024
Appendix II	Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G)
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan
Plan A-1	Location Plan with Previous and Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2024**