

**APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

APPLICATION NO. A/YL-LFS/521

- Applicant** : Mr. Man Kim Fai represented by R-riches Property Consultants Limited
- Site** : Various Lots in D.D. 129, Lau Fau Shan, Yuen Long, New Territories
- Site Area** : About 34,800m²
- Lease** : Lot 3450 in D.D.129
New Grant Lot No. 843 for private residential purposes only
- Remaining Lots
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** : Renewal of Planning Approval for Temporary Logistics Centre with Ancillary Canteen and Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary logistics centre with ancillary canteen and site office 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 applied use with planning permission under application No. A/YL-LFS/397 valid until 23.7.2024 (**Plans A-2, A-4a to A-4d**).
- 1.2 No change is proposed to the layout and operation of the temporary logistics centre under this renewal application. To recapitulate, the Site directly abuts and is accessible from Lau Fau Shan Road (**Plan A-2 and A-3**), with the ingress/egress located at the southwest. As shown on the layout plan at **Drawing A-1**, 20 structures of one to two storeys (about 3m to 11m in height) with a total floor area of about 24,024m² are used for logistics centre, site office, guardroom, washroom, meter room, rain shelter, canteen, transformer room, pump room and fire service water tank. 12 loading/unloading (L/UL) spaces for medium/heavy goods vehicles and 12 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. Drainage facilities (**Drawing A-2**) and fire service installations (**Drawing A-3**) are provided on the Site.
- 1.4 The Site is involved in 26 previous applications, including three (No. A/YL-LFS/290, 334 and 397) for the same applied use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2021 (details at paragraph 6 below). Compared with the last previous application No. A/YL-LFS/397, the current application is submitted by the same applicant at the same site, with the same layout and development parameters.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 10.5.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 16.5.2024 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the attachments to the Application Form at **Appendix I**. They can be summarised as follows:

- (a) the Site falls within Category 2 under the Town Planning Board Guidelines No. 13G. Approval of the application on a temporary basis will not jeopardise the long term planning intention of the “R(E)” zone;
- (b) the applied use is not incompatible with the surrounding land uses which are predominated by logistics centre and open storage yards;
- (c) the Site is the subject of several previous applications for temporary logistics centre use. Also, similar applications were approved in the vicinity of the Site. Approval of the current application is in line with the Board’s previous decisions;
- (d) the applicant has complied with all approval conditions of the previous application No. A/YL-LFS/397;
- (e) the ancillary office is to provide indoor workspace for the administrative staff to support the operation of the temporary logistics centre. The ancillary canteen will only serve staff working on the Site;
- (f) sufficient manoeuvring space is provided within the Site such that no vehicle will turn back onto local access. Adverse traffic impact to the surrounding road network is not anticipated; and
- (g) the applicant will follow relevant practice notes or guidelines issued by the Environmental Protection Department. No storage of recyclable, dismantling, assembling, repairing or other workshop activities will be carried out on the Site. The applied use will not generate significant nuisance.

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 Ordinance (TPB PG-No. 31B) by publishing a notice on three local newspapers and sending notification letter to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

- 4.1 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. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 Town Planning Board Guidelines No. 34D for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are also relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

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

6. Previous Applications

- 6.1 The Site is involved in 26 previous applications for temporary open storages and temporary logistics centre use. 22 of them were approved whilst four were rejected by the Committee or the Board on review. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1**.

Approved Applications

- 6.2 18 applications (No. A/YL-LFS/19, 35, 43, 47, 61, 88, 126, 138, 159, 171, 188, 196, 204, 226, 233, 251, 264 and 265) for various temporary open storages were approved by the Committee between 1997 and 2014. The considerations of these previous applications are not relevant to the current application which involves a different use.
- 6.3 Application No. A/YL-LFS/276 for proposed temporary logistics centre and open storage of construction machinery and material, brand-new trailer with ancillary canteen and trailer park for a period of three years was approved by the Committee in 2015 mainly on considerations that temporary development could be tolerated in the interim; the applied use was not incompatible with the general character of the area; the applied use was generally in line with the then TPB PG-No. 13E in that there was generally no adverse comments from concerned government departments, or the technical concerns could be addressed by imposing approval conditions.

- 6.4 Application No. A/YL-LFS/290, 334 and 397 for temporary logistics centre for a period of three years were approved by the Committee between 2016 and 2021 mainly on similar considerations as summarised in paragraph 6.3 above¹. For the last previous application No. A/YL-LFS/397, all time-limited approval conditions have been complied with and the permission is still valid until 23.7.2024.

Rejected applications

- 6.5 Applications No. A/YL-LFS/79, 95, 108 and 119 for various open storages were rejected by the Committee or the Board on review between 2002 and 2004. The considerations of these previous applications are not relevant to the current application which involves a different use.

7. Similar Applications

Within the same “R(E)” zone, there were three similar applications (No. A/YL-LFS/353, 426 and 519) covering two sites for temporary logistics centre in the past five years. All of them were approved by the Committee between 2020 and 2024 mainly on similar considerations as summarised in paragraph 6.3 above². Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) hard-paved, erected with temporary structures and being used for the applied use with valid planning permission under application No. A/YL-LFS/397 until 23.7.2024;
- (b) directly abutting and accessible from Lau Fau Shan Road.

8.2 The surrounding areas are predominated by open storage yards/storage yards, logistics centres and vehicle park/parking of vehicles. Other uses such as eating place, vehicle repairing workshop, residential dwellings, sites under works in progress and shrubland are also found in the vicinity. Some of the uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action. To the immediate south is the village settlement of the recognized 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

¹ The relevant version of Town Planning Board Guidelines No. 13 for application No. A/YL-LFS/397 was TPB PG-No. 13F.

² The relevant version of Town Planning Board Guidelines No. 13 for application No. A/YL-LFS/353 and 426 was TPB PG-No. 13F, whilst that for application No. A/YL-LFS/519 is TPB PG-No. 13G.

perpetuation of industrial/residential interface problem.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments 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 V and VI** respectively.

10.2 The following government departments have adverse comments on 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 are sensitive receivers in the vicinity of the Site (i.e. the nearest residential dwelling at about 1.8m to the northwest). Environmental nuisance is expected;
- (b) there was a substantiated environmental complaint on noise aspect pertaining to the Site in 2022, which was about abnormal machine noise generated by several water-cooling towers at Lot 2225 in D.D.129. Advice was given to the concerned person-in-charge to fix the cooling towers. The complainant later confirmed on 9.8.2022 that the problem was fixed; and
- (c) the applicant should note his advisory comments at **Appendix VI**.

Land Administration

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

- (a) he has reservation on the application since there are unauthorized structures and/or uses on Lots 2204 S.A, 2225 and 2350 in D.D.129 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularization of the lease breaches as demanded by LandsD; and
- (b) the applicant should note his advisory comments at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 17.5.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix VII**) objecting to the application mainly on the grounds that approval conditions of the previous applications have not been complied with

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary logistics centre with ancillary canteen and site office for a period of three years at the Site zoned “R(E)” on the OZP (**Plan A-1**). Although 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. 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 open storage yards/storage yards, logistics centres and vehicle park/parking of vehicles, some of which are covered by valid planning permission. Although there are residential dwellings in the vicinity of the Site, the applied 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 and DLO/YL of LandsD, there are generally no adverse comments from concerned government departments including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Director of Fire Services (D of FS) from traffic, drainage and fire safety perspectives 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 dwelling at about 1.8m to the northwest of the Site (**Plan A-2**) and the applied use involves the use of heavy vehicles. Moreover, there is a substantiated environmental complaint on noise aspect in 2022 when the Site was used as a temporary logistics centre. Nevertheless, it should be noted that the ingress/egress of the Site directly abuts Lau Fau Shan Road which is a public road that allow heavy vehicle traffic. Furthermore, the environmental complaint was not related to the heavy vehicles generated by the temporary logistics centre but the abnormal mechanical noise of water-cooling towers which was subsequently rectified by August 2022. To minimise any possible environmental nuisance, the applicant will 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 DLO/YL of LandsD has reservation on the application from land administration perspective as there are unauthorized structures and/or use at Lots 2204 S.A, 2225 and 2350 in D.D.129 at the Site which are already subject to lease enforcement action. Should the renewal application be approved, the applicant will be advised to remedy the lease breaches, and follow the relevant land administration procedures as required by LandsD.
- 12.6 The application is generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-LFS/397; adverse planning implications arising from the renewal of the planning approval are not envisaged; all time-limited approval conditions under the previous application have been complied with; and

the three-year approval period sought is the same as the previous approval and is considered reasonable.

- 12.7 There are four approved previous applications involving logistic centre uses, as well as three similar applications covering two sites within the same “R(E)” zone approved between 2020 and 2024. Approval of the current application is in line with the previous decisions of the Committee.
- 12.8 Regarding the public comment objecting to the application as stated 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 comment mentioned in paragraph 11 above, the Planning Department considers that the temporary logistics centre with ancillary canteen and site office could be tolerated for a further 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, and be renewed **from 24.7.2024 until 23.7.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a condition record of the existing drainage facilities on the Site within **3 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **24.10.2024**;
- (c) the submission of a fire service installations proposal within **6 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **24.1.2025**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within **9 months** from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **24.4.2025**;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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.

[Conditions (a) to (d) are generally the same as the previous application No. A/YL-LFS/397. Previous condition prohibiting queuing back/reversing of vehicles has been included in the advisory clauses. Previous conditions restricting the operation days and hours, and prohibiting storage of recyclables and workshop activities have been removed as per the latest practice.]

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:

- (a) the applied 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 applied 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 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 with attachments received on 10.5.2024
Appendix Ia	SI received on 16.5.2024
Appendix II	Extract of Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13G)
Appendix III	Extracts of Town Planning Board Guidelines for 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development' (TPB PG-No. 34D)
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment Received During Statutory Publication Period
Drawing A-1	Layout Plan

Drawing A-2	As-built Drainage Plan
Drawing A-3	As-built Fire Service Installations Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Site Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
JULY 2024**