

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PH/944

<u>Applicant</u>	: Tak Lee Machinery Co. Ltd. represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lots 170 S.A, 170 B & E ss. 3 (Part), 175 A.B.C.D.E.G. S.A, 815 & 816 A.B. (Part) in D.D. 111, Pat Heung, Yuen Long
<u>Site Area</u>	: About 2,040m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Pat Heung Outline Zoning Plan (OZP) No. S/YL-PH/11
<u>Zoning</u>	: “Open Storage” (“OS”)
<u>Application</u>	: Proposed Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary logistics centre for a period of 3 years. The Site falls within an area zoned “OS” on the Pat Heung OZP (**Plan A-1**). According to the Notes of the OZP, ‘Cargo Handling and Forwarding Facility (Container Freight Station, Logistics Centre only)’ is a Column 2 use within the “OS” zone, which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, erected with a few temporary structures and used for open storage of construction machineries (**Plans A-2 to A-4**).
- 1.2 According to the applicant, the proposed development involves erection of two 1 to 2-storey structures with building heights ranging from 3m to 9m and a total floor area of about 1,680m² with a site coverage of around 41.7% for logistics centre and ancillary site office and toilet uses. The logistics centre will be used for logistics support for business, such as freight management, inventory control, storage, packaging and consolidation of goods for distribution. Four private cars parking spaces and two loading/unloading (L/UL) spaces for container tractors/trailers will be provided at the Site. The proposed operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The Site is accessible to Fan Kam

Road via a local track. The site layout plan submitted by the applicant is shown on **Drawing A-1**.

1.3 In support of the application, the applicant has submitted the following documents:

- (a) Application form with supplementary information (Appendix I)
received on 8.3.2023 and 16.3.2023
- (b) Further Information (FI) received on 7.6.2023* (Appendix Ia)
- (c) FI received on 20.7.2023* (Appendix Ib)

** accepted and exempted from publication and recounting requirements*

1.4 On 5.5.2023, the Rural and New Town Planning Committee (the Committee) agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form, supplementary information and FIs at **Appendices I to Ib**, which could be summarised as follows:

- (a) The Site falls within an area zoned “OS” on the Pat Heung OZP which is considered suitable for logistics centre use. The applied use is temporary in nature and will not jeopardise the long-term planning intention of the Site.
- (b) The proposed development is not incompatible with the surrounding environment in the vicinity which are mainly open storage/ storage yards.
- (c) The proposed development will not result in adverse traffic, environment and drainage impact in the area.
- (d) To minimise possible environmental nuisance to the nearby area, the operation is housed within an enclosed structure; boundary fencing with corrugated metal sheets will be provided along the site periphery; and the operation hours will be restricted.

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 a notice at the Site and sending notice to the Pat Heung Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site is within Category 1 areas under TPB PG-No. 13G. The relevant extract of the Guidelines is at **Appendix II**.

5. Background

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

6. Previous Applications

There is no previous application covering the Site.

7. Similar Applications

There is no similar planning application for temporary logistics centre use within the same “OS” zone on the OZP in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) currently paved, erected with a few temporary structures and used for open storage of construction machineries; and
- (b) accessible to Fan Kam Road via a local track.

8.2 The surrounding areas have the following characteristics:

- (a) to the north, east and west are open storage/storage yards and vacant land; and
- (b) to the south are open storage/ storage yards. To the further south within the “Village Type Development” (“V”) zone of Sheung Che Tsuen (上輦村) are residential structures/dwellings (the nearest one within 40m from the Site), open storage/ storage yards and parking of vehicles.

9. Planning Intention

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown permits.

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 III and IV** respectively.
- 10.2 The following government departments does not support/raises comments on the application:

Environment

Comments of the Director of Environmental Protection (DEP):

- (a) the Environmental Protection Department (EPD) does not support the application as it would cause traffic of heavy vehicles and there are residential dwellings in the vicinity of the Site (**Plan A-2**), environmental nuisance to the nearby residential uses could be generated by the proposed use;
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the revised 'Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance from the proposed use; and
- (c) there was no environmental complaint received against the Site in the past three years;

District Aspect

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

- (a) no comment on the application; and
- (b) his office has received a letter from the Indigenous Inhabitant Representative of Sheung Che Tsuen objecting to the application (**Appendix V**).

11. **Public Comment Received During Statutory Publication Period** (**Appendix V**)

The application was published for public inspection. During the statutory public inspection period, a public comment from the Indigenous Inhabitant Representative of Sheung Che Tsuen was received objecting to the application mainly on the grounds that the proposed development would cause adverse drainage and traffic impacts and nuisance to the village. The same comment has also been received by DO(YL), HAD.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary logistics centre for a period of 3 years at the Site zoned “OS”. The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown permits. While the proposed temporary logistics centre is not entirely in line with the planning intention of the “OS” zone, it is not incompatible with the intended uses in the zone. It is considered that the approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “OS” zone.
- 12.2 The development is considered not incompatible with the surrounding land uses, which are rural in character intermixed with open storage/ storage yards, parking of vehicles and residential structures/ dwellings. DEP does not support the application in considering that environmental nuisance could be generated by the proposed use as it would cause traffic of heavy vehicles. The applicant proposes to provide boundary fencing to minimise nuisance to the surrounding area. According to the submission, the operation hours will be restricted to 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays only. To address DEP’s concern, relevant approval condition restricting the operation hours is recommended in paragraph 13.2 below. To minimise any potential environmental nuisances, the applicant will be advised to follow the ‘Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Sites’ issued by EPD.
- 12.3 The Site falls within Category 1 areas under TPB PG-No. 13G (**Appendix II**). The following guidelines are relevant:
- Category 1 areas: favorable consideration will normally be given to applications within these areas, subject to no major 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 should be submitted if the proposed uses may cause significant environmental and traffic concerns.
- 12.4 The application is considered generally in line with TPB PG-No. 13G in that the concerned departments including the Commissioner for Transport (C for T), the Chief Engineer/ Mainland North of the Drainage Services Department (CE/MN of DSD), the Director of Fire Services (D of FS) have no adverse comments on the application. The concern of DEP could be addressed as mentioned in paragraph 12.2 above. To address the technical requirements of concerned government departments, relevant approval conditions are also recommended in paragraph 13.2 below.
- 12.5 For the objecting public comment received as stated in paragraph 11 above, the departmental comments and planning assessments as stated above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taking into account the public comment mentioned in paragraph 11, the Planning Department has no objection to the proposed development.
- 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 28.7.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 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 submission of a revised 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 28.1.2024;
- (d) in relation to (c) above, the implementation of the revised 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 28.4.2024;
- (e) in relation to (d) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a revised 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 28.1.2024;
- (g) in relation to (f) above, the implementation of the revised 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 28.4.2024;
- (h) if any of the above planning condition (a), (b) or (e) 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;
- (i) if any of the above planning condition (c), (d), (f) or (g) 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 IV**.

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

the development is not in line with the planning intention of the "Open Storage" zone which is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 with supplementary information received on 8.3.2023 and 16.3.2023
Appendix Ia	FI received on 7.6.2023
Appendix Ib	FI received on 20.7.2023
Appendix II	Relevant extract of TPB PG-No. 13G
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comment
Drawing A-1	Site layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo

Plan A-4

Site photos

**PLANNING DEPARTMENT
JULY 2023**