

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

**APPLICATION NO. A/YL-PS/640**

- Applicant** : Victory and Prosperous Storage and Logistics Company Limited represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 664 (Part), 669 (Part), 670 (Part), 671 (Part), 672, 673, 714 (Part), 715 (Part), 716 (Part), 717 (Part), 723 S.A (Part), 724, 727 (Part), 728 (Part), 731 (Part), 734 (Part), 762 S.D (Part) and 768 in D.D. 123, Lots 558 (Part) and 562 (Part) in D.D. 126 and Adjoining Government Land (GL), Wang Chau, Ping Shan, Yuen Long, New Territories
- Site Area** : About 7,670 m<sup>2</sup> (including GL of about 4,920m<sup>2</sup> or 64%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Open Storage” (“OS”)
- Application** : Renewal of Planning Approval for Temporary Container Storage with Ancillary Repair Workshops for Container Vehicles and Trailers for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary container storage with ancillary repair workshops for container vehicles and trailers at the application site (the Site) for a period of 3 years (**Plan A-1**). The Site falls within an area zoned “Open Storage” (“OS”) on the draft Ping Shan OZP No. S/YL-PS/19. According to the Notes of the OZP for “OS” zone, ‘container storage’ and ‘container vehicle repair yard’ are Column 2 uses which require permission from the Town Planning Board (the Board). The Site, which comprises two separate portions, is currently occupied for the applied use with valid planning permission under Application No. A/YL-PS/563.
- 1.2 The Site involves four previous applications (No. A/YL-PS/305, 384, 484 and 563) for the same use submitted by the same applicant. The last Application No. A/YL-PS/563 was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 3.8.2018 with validity up to 7.8.2021. All the time-limited approval conditions have been

complied with.

- 1.3 The layout plan (**Drawing A-2**) and major development parameters of the previously approved application and the current application are the same as follows:

Major Development Parameters	Previously Approved Application No. A/YL-PS/563	Current Application No. A/YL-PS/640
Development/Use	Temporary Container Storage with Ancillary Repair Workshops for Container Vehicles and Trailers for a Period of 3 Years	
Site Area	About 7,670 m <sup>2</sup> (including 4,920m <sup>2</sup> of GL)	
Total Floor Area	547.69 m <sup>2</sup>	
No. of Structures	6 (for repair workshop, storage, office, guardroom and toilet uses)	
Height of Structures	2.6m to 6m	
Container Vehicle Waiting Spaces	12	
Loading / Unloading Spaces for Container Vehicles	2	
Total Capacity	222 Twenty-foot Equivalent Unit (TEU)	
Operation Hours	(a) 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays (b) 7:00 a.m to 7:00 p.m. from Mondays to Saturdays for repair workshops for container vehicles and trailers (c) No operation on Sundays and public holidays	

- 1.4 In support of the application, the applicant has submitted the Application Form with annex and plans which were received on 11.6.2021 (**Appendix I**). The vehicular access plan, layout plan, tree preservation plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

## 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) Containers which have been emptied pending for reloading will be placed at the Site. The maximum number of empty containers to be stored on the Site at one time is about 222 TEUs.
- (b) The container vehicles come by appointment. As the process of lifting a container and putting it in place on a trailer only takes about 5 minutes, it takes about 10 minutes for a container trailer to come and complete the operation.
- (c) There are sufficient loading/unloading and waiting spaces to avoid container trailers

waiting outside the Site.

- (d) The Site falls within 'Category 1' area under Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13F). Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas.
- (e) The Site is the subject of a previous Application No. A/YL-PS/563 approved by the Committee on 3.8.2018 for a period of 3 years. The applicant has complied with all planning conditions under the planning permission. There is no significant adverse impact on the environmental, drainage and landscape aspects.

### **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 sending registered notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, TPB PG-No. 31A is not applicable.

### **4. Background**

The Site is not subject to any planning enforcement action.

### **5. Town Planning Board Guidelines**

- 5.1 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) are relevant to the application. The Site falls within Category 1 areas under the revised Guidelines. Relevant extract of the Guidelines is at **Appendix II**.
- 5.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C) are relevant to the application. The relevant assessment criteria are at **Appendix III**.

### **6. Previous Applications**

- 6.1 The Site is involved in four previous applications (No. A/YL-PS/305, 384, 484 and 563) for temporary container storage with ancillary repair workshops for container vehicles and trailers for a period of 3 years which were all approved by the Committee with conditions from 2009 to 2018. The major considerations were that the development was considered broadly in line with the planning intention of the "OS" zone, the applications were generally in line with the then TPB PG-No. 13E, there was no objection or no adverse comment from relevant departments and the

development was compatible with the surrounding land uses. Details of these previous applications are in **Appendix IV** and their locations are shown on **Plan A-1**.

- 6.2 As compared with the last approved application (No. A/YL-PS/563), the current application was submitted by the same applicant for the same use on the same site with same development parameters. All the time-limited approval conditions have been complied with and the planning permission is valid until 7.8.2021.

## **7. Similar Application**

There is no similar application in the same “OS” zone on the OZP.

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

- 8.1 The Site is:

- (a) currently used for the applied use with valid planning permission under Application No. A/YL-PS/563. The Site comprises two portions separated by a local track and a warehouse; and
- (b) accessible via a local track leading to Fuk Hi Street.

- 8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the east are open storage yards, a logistics centre, sites used for parking of vehicles, vehicle repair workshop and vacant land;
- (b) to the north are vehicle repair workshops, cultivated agricultural land and grassland;
- (c) to the west are open storage yards, sites for parking of vehicles, graves and grassland; and
- (d) to the south are sites for parking of vehicles, a pond and vehicle repair workshop.

## **9. Planning Intention**

The “OS” zone is intended for the provision of land for appropriate open storage uses and to regularize 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 premises.

## **10. Comments from Relevant Government Departments**

- 10.1 The following Government departments have been consulted and their views on the application are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises GL and 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) Lot 727 in D.D. 123 and Lot 562 in D.D. 126 are covered by Short Term Waiver (STW) No. 3561 and 3560 respectively to permit structures for the purpose of “Container Storage with Ancillary Repair Workshops for Container Vehicles and Trailers”.
- (c) The GL of the Site is covered by Short Term Tenancy (STT) No. 2622 for the purpose of “Temporary Container Storage with Ancillary Repair Workshops for Container Vehicles and Trailers”.
- (d) Should planning approval be given to the application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions where appropriate. The owner(s) of the lots without STW will need to immediately apply to his office for permitting the structures to be erected or to regularize any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularization or erection of temporary structure(s) will be considered. Application(s) of 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 such application(s) is/are approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD.

### **Traffic**

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

- (a) He has no comment on the planning application.
- (b) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

- (c) The local track leading to the Site from Fuk Hi Street is not under Transport Department's (TD) purview. Its land status should be checked with the lands authority.
- (d) The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) The access arrangement to the Site 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 nearby public footpaths/drains.
- (c) HyD shall not be responsible for the maintenance of any access connecting the Site and Fuk Hi Street.

**Environment**

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

- (a) DEP has no objection to the application.
- (b) Should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice (COP) on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites".
- (c) There is no substantiated complaint pertaining to the Site received in the past 3 years.

**Drainage**

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

- (a) According to the applicant's submission, the existing drainage facilities which was implemented under the previous application No. A/YL-PS/563 will be maintained for the development. He has no in-principle objection to the application from drainage point of view. Should the Board approve the application, he would suggest that conditions 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 his satisfaction.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

### **Fire Safety**

#### 10.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no in-principle objection to the proposal subject to fire services installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should note his detailed comments on the submission of FSIs proposal at **Appendix VI**.

### **Landscape**

#### 10.1.7 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) With reference to the aerial photo of 2020 and site photos taken on 23.6.2021, the Site is hard paved with the applied use already in operation with some existing trees along the site boundary within the Site. Significant change to the landscape character and the landscape resources arising from the continued use of the application is not anticipated.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

### **Building Matters**

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

As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on the suitability for the use proposed in the application. The applicant should be reminded of the detailed comments at **Appendix VI**.

### **Others**

#### 10.1.9 Comments of the Commissioner for Innovation Technology (C for IT):

The Site is located within the proposed Yuen Long Industrial Estate Extension. According to the tentative programme, the main construction works is scheduled to commence in about 2027/28 and some site investigation works may be carried out before that. He has no particular comment on this renewal application up to 2024.

### **District Officer's Comments**

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

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

10.2 The following departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD);
- (c) Project Manager(West), CEDD (PM/W, CEDD);
- (d) Chief Engineer/Housing Projects 3 (CE/HP3), CEDD;
- (e) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (f) Director of Housing (D of Housing);
- (g) Director of Electrical and Mechanical Services (DEMS); and
- (h) Commissioner of Police (C of P).

### **11. Public Comment Received During the Statutory Publication Period**

On 18.6.2021, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds of causing adverse traffic, fire safety and environmental impacts to the surroundings (**Appendix V**).

### **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of the planning permission under application No. A/YL-PS/563 for temporary container storage with ancillary repair workshops for container vehicles and trailers for a period of 3 years at the Site zoned "OS" on the OZP. The "OS" zone is intended for the provision of land for appropriate open storage uses and to regularize 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 premises. The development is considered broadly in line with the planning intention of the "OS" zone.
- 12.2 The development for container storage with ancillary repair workshops for container vehicles and trailers is not incompatible with the surrounding land uses which are predominantly vehicle parks, logistics centres and open storage yards (**Plan A-2**).
- 12.3 The Site falls within Category 1 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 1 areas: favourable consideration will normally be given to applications within the 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 in line with the TPB PG-No. 13F. The Site is the subject of a previous approved planning application No. A/YL-PS/563 and all the approval conditions have been complied with. The applied use would not generate adverse impacts and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.
- 12.5 The application is generally in line with TPB PG-No. 34C in that there is no material change in planning circumstances since the previous temporary approval was granted; adverse planning implications arising from the renewal of the planning approval are not envisaged; all conditions under the previous approval (Application No. A/YL-PS/563) have been complied with; and the approval period sought is the same as that of the previous approval.
- 12.6 The applied use would not cause significant adverse environmental, traffic, drainage and landscape impacts on the surrounding areas. Relevant Government departments including DEP, C for T, CE/MN of DSD and CTP/UD&L of PlanD have no adverse comment on/objection to the application. There has been no environmental complaint concerning the Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned government departments, relevant approval conditions have been recommended in paragraph 13.2 below. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. Besides, the applicant will also be advised to follow the 'Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites' to minimize the possible environmental impacts on the adjacent areas.
- 12.7 There are 4 previously approved applications (No. A/YL-PS/305, 384, 484 and 563) covering the Site for the same use since 2009. Approval of the current application is in line with the previous decisions of the Committee.
- 12.8 There is one public comment received (**Appendix V**) objecting to the application on the grounds as summarized 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 and having taken into account the public comment in paragraph 11 above, the Planning Department has no objection to the renewal application.
- 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 and be renewed from 8.8.2021 until 7.8.2024. The following conditions of approval and

advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operations between 7:00 p.m. and 7:00 a.m. for the repair workshops and between 11:00 p.m. and 7:00 a.m. for all other operations from Mondays to Saturdays, 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 stacking height of containers stored within the Site shall not exceed 8 units during the planning approval period;
- (d) no vehicle is allowed to queue back or reverse onto/from public road at any time during the planning approval period;
- (e) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (f) the submission of 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 **8.11.2021**;
- (g) the submission of 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 **8.2.2022**;
- (h) in relation to (g) above, the implementation of 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 **8.5.2022**;
- (i) if any of the above planning conditions (a), (b), (c), (d) 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; and
- (j) if any of the above planning conditions (f), (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.

[Approval conditions (a) to (j) are the same as the previous Application No. A/YL-PS/563]

Advisory clauses

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

13.3 There is no strong reason to recommend rejection of the application.

#### **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**

<b>Appendix I</b>	Application Form received on 11.6.2021
<b>Appendix II</b>	Extract of 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)
<b>Appendix III</b>	Extract of Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34C)
<b>Appendix IV</b>	Previous Applications
<b>Appendix V</b>	Public Comment
<b>Appendix VI</b>	Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	Tree Preservation Plan
<b>Drawing A-4</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2021**