

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/646

- Applicant** : Mr. Kwong Cherk Wing represented by PlanArch Consultants Ltd.
- Site** : Lots 139 (Part), 140 (Part), 141 (Part), 145 (Part), 146, 147, 148 (Part), 149 (Part), 151, 152, 155 (Part), 159, 160 (Part), 164 (Part), 165 (Part), 166 (Part), 167, 168 (Part), 169, 170, 177, 178 (Part) and 179 (Part) in D.D. 122 and Adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 14,135 m² (including GL of about 590 m² (about 4.2%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Comprehensive Development Area” (“CDA”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]
- Application** : Temporary Warehouse (Storage of Daily Necessities) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse (storage of daily necessities) for a period of 3 years (**Plan A-1a**). The applied use is neither a Column 1 nor Column 2 use under the “CDA” zone. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-PS/573 (**Plans A-1b, A-2 and A-4**).
- 1.2 The Site involves in eight previous applications (No. A/YL-PS/55, 80, 126, 160, 169, 228, 482 and 573) for temporary vehicle parks (**Plan A-1b**). The last application No. A/YL-PS/573 for temporary warehouse was approved with conditions by the Rural and New Town Planning Committee (the

Committee) of the Board for a period of 3 years on 16.11.2018 and the permission will expire on 16.11.2021. All the time-limited approval conditions under the last application have been complied with. The current application is submitted by the same applicant for the same use with the same development parameters at the same site.

- 1.3 According to the applicant, the Site is accessible via a track leading to Ha Mei San Tsuen Road (**Drawing A-1 and Plan A-2**). The stored materials are mainly daily necessities such as clothes and toys. No repairing, dismantling or other workshop activity will be carried out at the Site. No vehicle without valid licences issued under Road Traffic Ordinance is permitted to park at the Site. The location plan, proposed layout plan, proposed landscape and tree preservation plan and as-built drainage plan are at **Drawings A-1 to A-4** respectively.
- 1.4 Major development parameters of the applied use under the current application are as follows:

Applied Use	Temporary Warehouse (Storage of Daily Necessities) for a Period of 3 Years
Site Area	About 14,135 m ² (including about 590 m ² GL)
Maximum Floor Area	11,409m ²
No. of Structures	7 (2 warehouses, 1 guard room, 1 site office, 1 toilet, 1 water tank and 1 pump room)
Maximum Height of Structures	2.5m to 10m (1-2 storeys)
No. of Car Parking Spaces	4 for private cars (5m x 2.5m each)
No. of loading/unloading bays	<ul style="list-style-type: none"> • 2 for medium/heavy goods vehicles (11m x 3.5m each) • 4 for container trailers/tractors (16m x 3.5m each)
Operation Hours	7:00 a.m. to 11:00 p.m. (Mondays to Saturday) No operation on Sundays and Public Holidays

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application form received on 16.9.2021 (Appendix I)
- (b) Supplementary Planning Statement attached to (Appendix Ia)
Appendix I

2. Justifications from the Applicant

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

- (a) The Site is zoned “CDA” on the OZP which is intended for comprehensive development/ redevelopment of the area for residential use with commercial, open space and other supporting facilities. However, there is currently no scheduled development in the Site, thus the applied use would not jeopardise the long-term planning intention of the Site. The applied use which generates no significant nuisance can make good use of scarce land resources.
- (b) The Site is segregated from adjoining major residential clusters by Long Tin Road and West Rail Viaduct. With sufficient distance and proper environmental mitigation measures, no negative impacts will be caused to the residential neighbourhoods by the current development. Besides, similar use of temporary logistic centre could be found to the west and north of the Site. The proposed development is compatible with the adjoining land uses in terms of scale and nature.
- (c) The applicant has complied with all the approval conditions imposed under the last application No. A/YL-PS/573. The implemented landscape, fencing and drainage facilities will be maintained to ensure no adverse environmental, visual and drainage impacts on the surrounding areas.
- (d) Since the applicant has undertaken the environmental mitigation measures set out in the Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites (August 2015) issued by the Environmental Protection Department (EPD), the proposed development will not cause any adverse environmental impact.

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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31A) by publishing in local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under the TPB PG-No. 31A are not applicable.

4. Background

- 4.1 The Site was first designated as “Unspecified Use” on the draft PS DPA Plan No. DPA/YL-PS/1 gazetted on 18.6.1993. The Site was zoned “Undetermined” (“U”) on the draft PS OZP No. S/YL-PS/1 gazetted on 14.6.1996. Based on the land use review undertaken by the Planning Department (PlanD) in 2010, the Site was rezoned from “U” to “CDA” with a maximum PR of 0.4 and a maximum BH of 3 storeys including car park on the draft PS OZP No. S/YL-PS/12 gazetted on 5.11.2010. Since then, the “CDA” zoning and development restrictions of the Site remain unchanged.

- 4.2 The Site falls within the site boundary of “Agreement No. CE 43/2020 (CE) – Site Formation and Infrastructure Works for Proposed Public Housing Development at Ping Shan North, Yuen Long - Feasibility Study” (the Study) commissioned by the Civil Engineering and Development Department (CEDD).
- 4.3 The Site is not subject to planning enforcement action.

5. **Previous Applications**

- 5.1 The Site is involved in eight previous applications (No. A/YL-PS/55, 80, 126, 160, 169, 228, 482 and 573) for temporary vehicle parks and temporary warehouse uses. Four of them were approved with conditions while the other four were rejected. Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-PS/55 and 80 for temporary vehicle park for container vehicles, lorries and cars for a period of 2 and 3 years were approved by the Committee on 13.8.1999 and 28.7.2000 respectively mainly on the considerations that the temporary uses would not frustrate the implementation of the West Rail; the temporary uses could satisfy some of the open storage and port back-up demand prior to identification of future uses; and detailed planning studies were required to identify the future uses of the then “U” zone covering the Site. However, the permission under application No. A/YL-PS/80 was revoked on 28.7.2001 due to non-compliance with the approval condition.
- 5.3 Applications No. A/YL-PS/126, 160 and 169 for temporary vehicle parks for container trailers/lorries, light goods vehicles, medium goods vehicles and private cars were rejected by the Committee on 13.12.2002, 19.9.2003 and 9.1.2004 respectively mainly on the grounds that the developments were incompatible with the surrounding areas as residential use was found within the Site and insufficient information was submitted to demonstrate no adverse environmental, visual and drainage impacts on the surrounding areas.
- 5.4 Application No. A/YL-PS/228 for temporary container vehicle and lorry park and ancillary repairing activities for a period of 3 years was rejected by the Committee on 29.7.2005 and the review of the application was rejected by the Board upon review on 18.11.2005 on similar reasons as in paragraph 5.3. The applicant lodged an appeal of the application No. A/YL-PS/228 which was dismissed by the Town Planning Appeal Board (TPAB) on 28.3.2008. The reasons were that the development was not compatible with the surrounding land uses; the appellant was not to be trusted as being able to be willing to comply with conditions; the TPAB was not satisfied that the development would not cause any unreasonable adverse effect on the residents nearby; and the appellant’s experts had not suggested any measure or effective measure to avoid or mitigate any harmful effect of the pollution so caused.

- 5.5 Applications No. A/YL-PS/482 and 573 for temporary warehouse (storage of electronic products and/or daily necessities) for a period of 3 years were approved with conditions by the Committee on 4.12.2015 and 16.11.2018 respectively mainly on the considerations that the applied uses would not jeopardise the long-term planning intention, not incompatible with the surrounding land uses and were unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas.
- 5.6 Compared with the last application No. A/YL-PS/573, the current application is submitted by the same applicant for the same use with same development parameter and layout at the same site.

6. Similar Applications

- 6.1 There are three similar applications (No. A/YL-PS/393, 513 and 577) at one site for temporary warehouse (storage of used and new construction materials and equipment) within the adjacent “CDA” zone. Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.
- 6.2 All of these three similar applications were approved by the Committee on considerations that the temporary use would not jeopardise the long-term planning intention; the proposed development was not incompatible with the surrounding land uses; and the use was unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas. However, the permission under application No. A/YL-PS/393 was revoked due to non-compliance with approval conditions.

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

- 7.1 The Site is:
- (a) currently occupied by the applied use with valid planning permission;
 - (b) paved and fenced off (**Plans A-2 and A-4**); and
 - (c) accessible via a vehicular track leading to Ha Mei San Tsuen Road (**Plans A-2 and A-3**).
- 7.2 The surrounding areas have the following characteristics:
- (a) to the immediate north are open storage and parking of vehicles which are suspected unauthorised developments (UDs) intermixed with residential dwellings and vacant land. To the further north is a temporary logistics centre and vehicle park (container tractors, container trailers and lorries (medium/heavy goods vehicles) with valid planning permission under application No. A/YL-PS/633;
 - (b) to the east, southeast and south are residential dwellings and plant nursery intermixed with parking of vehicles and factory which are suspected UD; and

- (c) to the immediate southwest is parking of vehicles which is suspected UD. To the further southwest across Long Tin Road are temporary public vehicle park with valid planning permission under application No. A/YL-PS/629, residential dwellings and vacant land.

8. **Planning Intention**

The planning intention of “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

9. **Comments from Relevant Government Departments**

- 9.1 The following government departments have been consulted and their views on the application and the public comments are summarised as follows:

Land Administration

- 9.1.1 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) Within the Site, some private lots are currently covered by Short Term Waivers (STWs) whereas GL therein is covered by Short Term Tenancy (STT). Details of which are summarised in **Appendix V**.
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to his office for modification of the STW/STT conditions where appropriate and the lot owner(s) of the lot(s) without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on the Site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for 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 will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by LandsD.

Traffic

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

- (a) The applicant is reminded that sufficient space within the Site should be provided for manoeuvring of vehicles. In addition, no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (b) The applicant should note his detailed comments at **Appendix V**.

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

- (a) Adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public roads and drains.
- (b) The applicant should note his detailed comments at **Appendix V**.

Environment

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

- (a) He does not support the application according to the latest “Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites” (“COP”) as the development involves traffic of heavy vehicles. There are sensitive users (residential dwellings) within 4m from the eastern site boundary (**Plan A-2**). Environmental nuisance is expected.
- (b) According to his record, two substantiated environmental complaints were received by DEP in the past 3 years, which were related to illegal discharge and malodour of a detergent workshop. Several inspections were conducted and no non-compliance of environmental ordinances was spotted. No enforcement action had been carried out against the Site.
- (c) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest “COP”.

Landscape

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

- (a) According to the aerial photo of 2021 and the site photos taken by his office, the Site is hard paved and occupied by temporary structures. There are some existing trees of common species, mainly *Ficus microcarpa* (細葉榕) and *Bombax ceiba* (木棉) generally along the boundary within the Site. The Site is situated in an area of miscellaneous rural fringe landscape predominated by temporary structures, vehicle parks, village houses and woodlands in the proximity. The proposed development is considered not incompatible with the landscape character of the surrounding area. As significant adverse landscape impact arising from the applied use is not envisaged, she has no objection to the application from landscape planning point of view.
- (b) The applicant should note her detailed comments at **Appendix V**.

Drainage

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

- (c) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application No. A/YL-PS/573 will be maintained for the subject development. He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition 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 the satisfaction of his Division.
- (d) The applicant should note his detailed comments at **Appendix V**.

Fire Safety

9.1.7 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.

- (b) The applicant should note his detailed comments at **Appendix V**.

Water Supplies

- 9.1.8 Comments of Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

He has no objection to the application. The applicant should note his detailed comments at **Appendix V**.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority (BA) 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.
- (b) The applicant should note his detailed comments at **Appendix V**.

Long Term Development

- 9.1.10 Comment of the Chief Engineer/Housing Projects 1, Civil Engineering Office, CEDD (CE/HP1, CEO, CEDD):

- (a) The Site falls within the site boundary of the Study.
- (b) Given that the application is for the continual operation of temporary warehouse (storage of daily necessities) for a period of 3 years, he has no adverse comment on the application.

District Officer's Comments

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

His office has not received any feedback from locals.

- 9.2 The following Departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Project Manager (West) (PM(W)), CEDD; and
- (d) Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO).

10. Public Comment Received During the Statutory Publication Period

On 24.9.2021, the application was published for public inspection. During the statutory public inspection period, one public comment (**Appendix IV**) was received from an individual providing views that the applied use would impede the development plan of the proposed Northern Metropolis.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (storage of daily necessities) for a period of 3 years within an area zoned “CDA”. The “CDA” zone is intended for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. Whilst the development is not in line with the planning intention of the “CDA” zone, there is no known development proposal to implement the zoned use for the time being. Although the Site falls within the site boundary of the Study, CE/HP1, CEO of CEDD has no adverse comment on the application. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the Site.
- 11.2 The Site is mainly surrounding by logistics centres, vehicle parks, storage yards, scattered residential dwellings and vacant land (**Plan A-2**). The proposed development is considered not incompatible with the surrounding land uses.
- 11.3 Except DEP, relevant government departments, including C for T, CE/MN of DSD and CTP/UD&L of PlanD have no objection to or adverse comment on the application. The proposed development will unlikely create significant adverse traffic, drainage and landscape impacts on the surrounding areas. Regarding DEP’s concern on environmental nuisance, the same applied use on the Site has been approved since 2015 and no non-compliance of environmental ordinances was spotted in the past 3 years. To minimise any potential environmental nuisances and to address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the latest “COP” in order to minimise the possible environmental impacts on the nearby sensitive receivers.
- 11.4 The Committee has approved two previous applications for the same use at the Site and three similar applications for temporary warehouse use in the adjacent “CDA” zone. Compared with the last application No. A/YL-PS/573, the current application is submitted by the same applicant for the same use with same development parameters and layout at the same site. There is no change in planning circumstance since the approval of the last planning application. Approval of the current application is in line with the previous decisions of the Committee.

- 11.5 There is one public comment received providing views on the application as summarised in paragraph 10 above. The planning considerations and assessments in the paragraphs 11.1 to 11.4 are relevant.

12. Planning Department's Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse (storage of daily necessities) could be tolerated for a period of 3 years.
- 12.2 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 **12.11.2024**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 11:00 p.m. and 7:00 a.m. is allowed on the Site, as proposed by the applicant, 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 fencing of the Site shall be maintained at all time during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of condition record of the existing drainage facilities within **3** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **12.2.2022**;
- (f) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.5.2022**;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **12.8.2022**;
- (h) if any of the above planning conditions (a), (b), (c) or (d) 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 conditions (e), (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 V**.

- 12.3 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 applied use would not generate adverse environmental impact on the surrounding area.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form received on 16.9.2021
Appendix Ia	Supplementary Planning Statement
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Public Comment
Appendix V	Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Landscape & Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2021**