

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/662

- Applicant** : Wing On Car Park represented by Allgain Land Administrators (Hong Kong) Limited
- Site** : Lots 688, 689 (Part), 690 (Part), 691 (Part), 692 (Part), 693 (Part), 694 (Part), 695 (Part), 756 (Part), 757 (Part), 758 (Part) and 947 (Part) in D.D. 122, Ping Shan, Yuen Long, New Territories
- Site Area** : About 6,500m²
- 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** : Proposed Temporary Logistics Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary logistics centre for a period of 3 years at the application site (the Site) (**Plan A-1a**). 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 hard paved and currently vacant (**Plans A-2 and A-4**).
- 1.2 The Site is involved in 8 previous applications (No. A/YL-PS/33, 79, 82, 85, 113, 182, 233 and 642) (details at paragraph 6 below).
- 1.3 The Site is accessible via a local track leading to Long Ping Road (**Plans A-2 and A-3**). According to the applicant, sufficient manoeuvring space will be provided within the Site. No vehicle will be allowed to reserve back to enter the Site. The proposed temporary logistics centre will operate from 8:00 a.m. to 6:00 p.m. on Mondays to Saturdays (excluding Sundays and

public holidays). The vehicular access plan, site plan and layout plan are at **Drawings A-1 to A-3** respectively.

- 1.4 The major development parameters of the current applicant are summarised as follows:

Site Area	6,500m ²
Total Floor Area	4,460m ²
No. of Structure	1
Max. Height of Structure	1 storey (not more than 13m)
Loading/Unloading Space for Heavy Goods Vehicle	3
Loading/Unloading Space for Container Vehicle	3

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

- (a) Application form and supplementary statement (**Appendix I**) received on 4.5.2022
- (b) Further information (FI) received on 18.6.2022 (**Appendix Ia**)
- (c) FI received on 5.7.2022 (**Appendix Ib**)

((b) and (c) are exempted from publication and recounting requirements)

- 1.6 On 24.6.2022, the Committee agreed to the applicant's request to defer making a decision on the application for one month to allow more time for the applicant to address departmental comments. The FI submission was received on 5.7.2022 and the application is scheduled for consideration by the Committee at this meeting.

2. Justifications from the Applicant

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

- (a) The applied use conforms to 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). The applied use would not jeopardise the long-term planning intention of the "CDA" zone, since there is currently no scheduled development at the Site. Alternative temporary use which generates no significant nuisances should be encouraged in the interim to make economic use of scarce land resources.
- (b) The applied use can meet the demand for open storage and port back-up uses, particularly when land clearance of brownfield operations during the implementation of Hung Shui Kiu/Ha Tsuen New Development Area in the near future.

- (c) The Site has been hard paved. No site formation works or tree felling is anticipated. The applied use will comply with the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”). Appropriate mitigation measures will be adopted to avoid adverse impacts to the surrounding. The applied use will not cause any adverse landscape, traffic, environmental, drainage and sewerage impacts.
- (d) There are similar approved applications for temporary logistics centre in the “CDA” zone in the vicinity. The applied use is compatible with the surrounding land uses.

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 mail to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

On 27.3.2020, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F). The Site falls within Category 2 areas under the revised Guidelines. Relevant extract of the Guidelines is at **Appendix II**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in 8 previous applications. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 7 applications (No. A/YL-PS/33, 79, 82, 85, 113, 182 and 233) for temporary open storage of vehicles (with vehicle park) or construction machinery/materials were rejected by the Committee/the Board upon review between 1998 to 2006 on the grounds of insufficient information to demonstrate no adverse traffic, environmental and drainage impacts on the surrounding area, not in line with the Town Planning Board Guidelines on “Open Storage and Port Back-up Uses”, incompatible with the surrounding residential dwellings, and undesirable precedent.
- 6.3 Application No. A/YL-PS/642 for proposed residential development

covering the whole “CDA” zone was rejected by the Committee on 24.12.2021 and the considerations were not relevant to the current application for temporary logistics centre use.

7. Similar Applications

There is no similar application for temporary logistics centre in the same “CDA” zone. There are 7 similar applications (No. A/YL-PS/444, 477, 514, 556, 586, 633 and 659) for temporary logistics centre (with or without ancillary parking of vehicles) for a period of 3 years in the “CDA” zone in the vicinity (**Plan A-1a**) which all were approved by the Committee mainly on the considerations that the temporary use would not frustrate the long term planning intention of the “CDA” zone; not incompatible with the surrounding uses; in line with the TPB PG-No. 13; and no adverse comment from the relevant departments except Director of Environmental Protection (DEP), whose concerns could be addressed by the implementation of approval conditions. However, the planning permission under application No. A/YL-PS/444 was revoked on 9.5.2015 due to non-compliance with approval conditions. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) hard paved and currently vacant; and
- (b) accessible via a local track leading to Long Ping Road.

8.2 The surrounding areas have the following characteristics:

- (a) predominated by brownfield operations which are suspected unauthorised developments (UDs) intermixed with residential dwellings in temporary structures and vacant land;
- (b) to the west is a temporary warehouse with planning permission under application No. A/YL-PS/650;
- (c) to the immediate north is proposed temporary public vehicle park for private cars and medium goods vehicles (No. A/YL-PS/660) submitted by the same applicant of this application and will be considered at the same meeting (**Plan A-2**); and
- (d) to the further north is the Tuen Ma Line Viaduct.

9. Planning Intention

The “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.

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 recommended advisory clauses are provided in **Appendices V and VI** respectively.

10.2 The following government department does not support the application:

Environment

10.2.1 Comment of the Director of Environmental Protection (DEP):

- (a) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one about 14m to its immediate east) (**Plan A-2**), and environmental nuisance is expected.
- (b) There was no environmental complaint pertaining to the Site received in the past 3 years.
- (c) The applicant should note his advisory comments in **Appendix VI**.

11. Public Comments received During the Statutory Publication Period

On 17.5.2022, the application was published for public inspection. During the statutory public inspection period, 2 public comments from individuals were received (**Appendices VII-1 and VII-2**) objecting the application mainly on the grounds of adverse traffic and environmental impacts, fire safety issue and undesirable precedent.

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 “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. Whilst the applied use 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. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the “CDA” zone.

12.2 The Site is mainly surrounded by brownfield operations, vacant land and scattered residential dwellings in temporary structures (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.

- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13F. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no 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, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding area.

- 12.4 The applied use is considered in line with TPB PG-No. 13F. Relevant information has been submitted to demonstrate that 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 Relevant Government departments, including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to or adverse comment on the application, except DEP. The applied use will unlikely create significant adverse traffic, drainage, fire safety and landscape impacts to the surrounding area. Regarding DEP's concern, there was no environmental complaint pertaining to the Site received in the past three years. To address the concern on the possible environmental nuisance or technical requirements of concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 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 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.

- 12.6 There are 7 previous applications for temporary open storage use rejected by the Committee or the Board on review between 1998 and 2006 mainly on the grounds of adverse impacts and not in line with the then Town Planning Board Guidelines No. 13. The circumstances for the current application are different as mentioned in paragraphs 12.4 and 12.5 above. Nevertheless, the Committee had approved 7 similar applications for temporary logistics centre within the "CDA" zone in the vicinity between 2014 and 2022 **x(Plan A-1a)**. Approval of the current application is in line with the Committee's previous decisions.

- 12.7 There are two public comments objecting to the application received during the statutory publication period as summarised in paragraph 11 above, the planning considerations and assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the temporary logistics centre could be tolerated for a period of 3 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 3 years until 29.7.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 p.m. and 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 on the Site during the planning approval period;
- (c) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 29.1.2023;
- (d) in relation to (c) above, the implementation of 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 29.4.2023;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 29.1.2023;
- (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 29.4.2023;
- (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; and
- (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 VI**.

- 13.3 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 to the surrounding area.

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 and supplementary statement
Appendix Ia	FI received on 18.6.2022
Appendix Ib	FI received on 5.7.2022
Appendix II	Relevant Extracts of Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13F)
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendices VII-1 and VII-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Plan
Drawing A-3	Layout Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos