

APPLICATION FOR PLANNING PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/706

- Applicant** : Mr. Kwong Cheuk Wing represented by KTA Planning Limited
- Site** : Lots 105 RP (Part), 107 (Part), 108 (Part), 111 (Part), 112, 113, 114, 115, 116, 118, 119 (Part), 120 (Part), 124 (Part), 127 (Part), 128 (Part), 154 (Part) and 155 (Part) in D.D.122 and adjoining Government Land (GL), Ping Shan, Yuen Long, New Territories
- Site Area** : About 22,157 m² (including GL of about 3,957 m² (about 18%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Comprehensive Development Area” (“CDA”)
[restricted to a maximum building height of 3 storeys including car park and a maximum plot ratio of 0.4]
- Application** : Proposed Temporary Logistics Centre and Vehicle Inspection Service Centre for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary logistics centre and vehicle inspection service centre (VISC) for a period of three 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 requires planning permission from the Town Planning Board (the Board). The Site is currently partially used for logistics centre and vehicle park with valid planning permission and partially used for VISC without valid planning permission (**Plans A-2 and 4a to 4c**).
- 1.2 The Site is accessible via a local track from Yung Yuen Road leading to Ha Mei San Tsuen Road (**Drawing A-1, Plans A-2 and A-3**). According to the applicant’s submission, the proposal is for two logistic centres and a VISC, which together comprise 19 structures with a building height of 1 to 2 storeys (not more than 8.5m) with a total floor area of about 13,399m². No repairing, dismantling, spraying, cleaning, or other workshop activities

will be carried out at the Site. Adequate manoeuvring and waiting spaces are provided within the Site to avoid queuing back to or reversing onto/from public road. Prior reservation is required for visiting the VISC. Plans showing the vehicular access leading to the Site, proposed layout plan, internal traffic layout plan and landscape plan submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in 11 previous applications including three applications for temporary logistics centre with vehicle park uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2021 (details at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-PS/633), the current application is submitted by the same applicant with changes in applied use and consequential changes in layout and development parameters covering a slightly larger site. A comparison of major development parameters of the last application to the current application is as follows:

Major Development Parameters	Last Approved Application (A/YL-PS/633) (a)	Current Application (A/YL-PS/706) (b)	Difference (b) – (a)
Applied Use	Temporary Logistics Centre and Vehicle Park (Container Tractors, Container Trailers and Lorries (Medium/Heavy Goods Vehicles)) for a Period of 3 Years	Proposed Temporary Logistics Centre and VISC	Addition of VISC and deletion of vehicle park
Site Area	About 21,735 m ² (including GL of about 1,350 m ²)	About 22,157 m ² (including GL of about 3,957 m ²)	+422 m ² (+2%) (For GL: +2,607m ² (+193%))
Maximum Floor Area	About 10,245 m ²	About 13,399 m ²	+3,154 m ² (+31%)
No. of Structures	6 <ul style="list-style-type: none"> ● Logistics centre ● Toilet ● Site office ● Guardroom ● Water tank for FSIs ● Pump room for FSIs 	19 <ul style="list-style-type: none"> ● Logistics centres ● Vehicle Inspection areas ● Toilet ● Ancillary offices ● Guardroom ● Water tank for FSIs ● L/UL Area 	+13

Major Development Parameters	Last Approved Application (A/YL-PS/633) (a)	Current Application (A/YL-PS/706) (b)	Difference (b) – (a)
		<ul style="list-style-type: none"> ● Security room ● E&M rooms ● Staff changing room ● Reception room 	
Maximum Height of Structures	8.5 m/ 2 storeys		No change
No. of Car Parking Spaces	49 in total <ul style="list-style-type: none"> ● 4 for private cars (5m x 2.5m each) ● 10 for medium/heavy goods vehicles (11m x 3.5m each) ● 35 for container tractors/trailers (16m x 3.5m each) 	10 in total <ul style="list-style-type: none"> ● 10 for private cars (5m x 2.5m each) --- --- 	-39 +6 -10 -35
Loading/unloading spaces	10 in total <ul style="list-style-type: none"> ● 5 for container trailers ● 5 for medium/heavy goods vehicles 	12 in total <ul style="list-style-type: none"> ● 7 for container trailers ● 5 for heavy goods vehicles 	+2 +2 No Change
Operation Hours	7:00 a.m. to 11:00 p.m. Monday to Saturday (With no operation on Sundays and public holidays)	<u>Logistic Centres</u> 7:00 a.m. to 11:00 p.m. Monday to Saturday (With no operation on Sundays and public holidays) <u>VISC</u> 9:00 a.m. to 5:00 p.m. Monday to Saturday (With no operation on Sundays and public holidays)	Addition of operations hours for VISC

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

- | | | |
|-----|---|---------------|
| (a) | Application Form received on 7.2.2024 | (Appendix I) |
| (b) | Supplementary planning statement attached to Appendix I | (Appendix Ia) |

- (c) Further Information (FI) received on 2.4.2024 (Appendix Ib)
[accepted and exempted from publication requirements]

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 applied development 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.13G).
- (b) The logistics centres can satisfy the genuine demand on land for port back-up uses due to the fact that the Site is located at northwestern part of Hong Kong, which is highly accessible from the Pearl River Delta Region through different border control points, in particular the Hong Kong – Shenzhen Western Corridor. The proposed VISC would provide essential service to satisfy the demand arising from the “Northbound Travel for Hong Kong Vehicles” scheme.
- (c) The applied development would not jeopardise the long-term planning intention of the “CDA” zone, since there is currently no committed development at the Site. Approval of the applied uses can make the optimal use of the Site during this interim period.
- (d) The applied development is compatible with the adjoining land uses in term of scale and nature.
- (e) The applicant has complied with all the approval conditions of the last Application No. A/YL-PS/633 in relation to the provision of landscaping and boundary fencing. Drainage facilities are well-preserved and maintained as well.
- (f) The proposed development for temporary logistics centres fully comply with the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” and will not cause any adverse environmental impact. The applied development will not cause any adverse traffic impact to the local road network. No adverse drainage, visual and landscape impacts are anticipated.

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. 31B) by publishing newspaper notice and sending registered mail to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No.31B are not applicable.

4. Town Planning Board Guidelines

TPB PG-No. 13G is relevant to the application. The Site falls within Category 2 area under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The current use for VISC on the application site may be subject to planning enforcement action.

6. Previous Applications

6.1 The Site is involved in 11 previous applications including four approved applications for temporary logistics centre with vehicle park use (No. A/YL-PS/444, 447, 556 and 633). The remaining seven applications (No. A/YL-PS/26, 55, 71, 126, 207, 345 and 438) are for temporary vehicle park or open storage uses the consideration of which are not relevant to the current application for temporary logistics centres and VISC. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

6.2 Applications No. A/YL-PS/444, 447, 556 and 633 for temporary logistics centre with vehicle park (container tractors, container trailers and lorries (medium/heavy goods vehicles)) for a period of three years were approved with conditions by the Committee between 2014 and 2021 mainly on the considerations that the proposal was generally in line with the then TPB PG-No. 13; the development was not incompatible with the surrounding areas and approval of the applications on a temporary basis would not frustrate the long-term development of the area. However, the planning permissions for two of them were subsequently revoked due to non-compliance with approval conditions. As for the last application (No. A/YL-PS/633), all the time-limited approval conditions have been complied with and the planning permission is valid until 15.4.2024.

7. Similar Applications

7.1 There are ~~three~~ two similar applications (No. A/YL-PS/586, and 659 and ~~662~~) for logistics centre within the same “CDA” zone. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.

7.2 All of these ~~three~~ similar applications were approved by the Committee on 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 then TPB PG-No. 13; and generally no adverse comment from the relevant departments or their concerns could be addressed by the implementation of approval conditions.

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

8.1 The Site is:

- (a) currently occupied with structures, partly used for a logistic centre and vehicle park with valid planning permission (No. A/YL-PS/633) and a VISC at its northwestern portion without valid planning permission; and
- (b) accessible via a local track from Yung Yuen Road leading to Ha Mei San Tsuen Road (**Plans A-2 and A-3**).

8.2 The surrounding areas have the following characteristics (Plan A-2**):**

- (a) bounded by the viaduct of MTR Tuen Ma Line (TML) to its immediate north;
- (b) comprise predominantly logistics centre, warehouses and storage yards, some of which are suspected unauthorized development (UD), vehicle parks and unused land to its east, south and west; and
- (c) across the viaduct of MTR TML to the north are village settlements of Ha Mei San Tsuen intermixed with vacant land and vehicle parks with valid planning permission.

9. 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.

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 V** and **VI** respectively.

10.2 The following government department does not support the application:

Environment

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

- (a) he does not support the application according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”) as the development involves traffic of heavy vehicles, and there are

sensitive users (residential dwellings) in the vicinity. Environmental nuisance is expected;

- (b) there was no environmental complaint concerning the Site received by DEP in the past three years; and
- (c) should the application be approved, the applicant shall be advised to follow the relevant mitigation measures and requirements in the latest COP.

11. Public Comment Received During the Statutory Publication Period

On 12.3.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary logistics centre and VISC for a period of three years at the Site zoned “CDA” on the OZP. Whilst the development is not in line with the planning intention of the “CDA” zone, it could serve any such demand for logistics centre and satisfying the vehicle inspection requirement under the “North Bound Travel for Hong Kong Vehicles” scheme. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 12.2 The Site is located in an area predominated by logistics centre, warehouses, vehicle parks, storage yards, residential dwellings and unused land (**Plan A-2**). The proposed development is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 13G in that the Site falls within Category 2 areas which planning permission could be granted on a temporary basis up to a maximum period of three 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. Relevant proposals have been submitted to demonstrate that the applied uses would not generate adverse impacts; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.
- 12.4 Relevant government departments, including the Commissioner of Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to or no adverse comment on the application on traffic, fire safety and drainage aspects respectively. DEP does not support the application as the applied uses will cause traffic of heavy vehicles, environmental nuisance is expected. However, no environmental complaint concerning the Site has been received by DEP in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of

concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to planning enforcement action. Should the planning application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and to keep the Site clean and tidy at all times.

- 12.5 Given that the Committee has approved four previous applications for similar uses at the Site between 2014 and 2021 and ~~three~~ two similar applications within the same “CDA” zone in the past five years, approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 above, the Planning Department considers that the proposed temporary logistics centre and vehicle inspection service centre could be tolerated for a 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 until **5.4.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation of the logistics centre between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation of the vehicle inspection service centre between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the Site at any time during the planning approval period;
- (e) no vehicle washing, repairing, dismantling, car beauty and other workshop activity, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (f) the submission of a 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 **5.10.2024**;

- (g) in relation to (f) above, the implementation of the 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 **5.1.2025**;
- (h) the existing boundary fencing shall be maintained during the planning approval period;
- (i) 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 **5.10.2024**;
- (j) in relation to (i) 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 **5.1.2025**;
- (k) if any of the above planning condition (a), (b), (c), (d), (e) or (h) 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
- (l) if any of the above planning condition (f), (g), (i) or (j) 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 uses would not generate adverse environmental impact on 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 with attachments received on 7.2.2024
Appendix Ia	Supplementary planning statement attached to Appendix I
Appendix Ib	FI received on 2.4.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	General Departmental Comments
Appendix VI	Advisory Clauses
Drawing A-1	Site Plan with Proposed Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Internal Traffic Layout Plan
Drawing A-4	Proposed Landscape Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**