

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

APPLICATION NO. A/YL-PS/723

- 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
- Site Area** : About 7,670 m² (including GL of about 4,920m² or 64%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- 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 for a period of three years at the application site (the Site) (**Plan A-1**) zoned “OS” on the OZP. According to the Notes of the OZP for “OS” zone, ‘Container Storage Yard’ and ‘Container Vehicle Repair Yard’ are Column 2 uses which require planning permission from the Town Planning Board (the Board). The Site, comprising two separate portions, is currently occupied by the applied use with valid planning permission under Application No. A/YL-PS/640 until 7.8.2024 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible via a local track from Fuk Hi Street and the ingress/egress is at the eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, the Site is for storage of empty containers operating on appointment basis. A total of 12 trailer waiting spaces (six spaces in each portion) and two loading/unloading spaces for container vehicles would be provided. Six 1-2 storeys structures (2.6 to 6m in height) for ancillary repair workshop, storage, office, guardroom and toilet

uses with a total floor area of 547.69m² would also be provided within the Site (**Drawing A-3**). The general operation time is from 7am to 11pm on Mondays to Saturdays while the ancillary repair workshop will operate from 7am to 7pm on Mondays to Saturdays. There would be no operation on Sundays and public holidays. The location plan, vehicular access plan, layout plan, landscape plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site is involved in five previous applications for the same use which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2009 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-PS/640), the current application is submitted by the same applicant for the same use on the same site with the same layout, development parameters and operation hours.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 11.6.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 8.7.2024* (**Appendix Ia**)
 - (c) FI received on 25.7.2024* (**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 **Appendices I and Ib**. They can be summarised as follow:

- (a) The Site is the subject of a previous Application No. A/YL-PS/640 approved by the Committee on 23.7.2021 for a period of three years. The applicant has complied with all planning conditions under the planning permission and there is no changes in development parameters under the current application. There is no significant adverse impact on the environmental, drainage and landscape aspects.
- (b) 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. 13G). 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.
- (c) 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. The container vehicles come by appointment and it takes about 10 minutes for a container trailer to complete the operation. There are sufficient loading/unloading and waiting spaces to avoid container trailers waiting at the Site.

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. 31B) 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. 31B is not applicable.

4. Town Planning Board Guidelines

- 4.1 The TPB PG-No. 13G is relevant to the application. The Site falls within Category 1 areas under the revised Guidelines. Relevant extract of the Guidelines is at **Appendix II**.
- 4.2 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. 34D) is relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is not subject to any planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in five previous applications (No. A/YL-PS/305, 384, 484, 563 and 640) for temporary container storage with ancillary repair workshops for container vehicles and trailers for a period of three years which were all approved by the Committee with conditions from 2009 to 2021 on the considerations that the applied uses were in line with the planning intention of the "OS" zone and the then TPB PG-No. 13F and its previous revisions; relevant departments had no objection or no adverse comment; and the applied uses were considered compatible with the surrounding land uses. Details of these previous applications are in **Appendix IV** and their boundaries are shown on **Plan A-1**.
- 6.2 All the time-limited approval conditions of the last approved application (No. A/YL-PS/640) have been complied with and the planning permission is valid until 7.8.2024.

7. Similar Application

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

8. 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.

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

- 9.1 The Site is:

- (a) accessible via a local track leading to Fuk Hi Street (**Drawing A-2, Plans A-2 and A-3**);
 - (b) currently used for the applied use with valid planning permission under Application No. A/YL-PS/640; and
 - (c) comprising two portions separated by a local track and a warehouse (**Plans A-2 to A-4b**)
- 9.2 The surrounding areas comprise predominantly warehouses, open storage yards, workshops, car park, logistic centre and storage of containers tractors and trailers intermixed with unused land (**Plans A-2 and A-3**). Some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

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/no adverse comment on the application. Their general comments and advisory comments are provided in **Appendices V and VI** respectively.

10.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) the Site comprises Old Schedule Agricultural Lots (OSALs) and Government Land (GL). The OSALs are 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) irregularities covered by the subject planning application have been detected. LandsD has reservation on the planning application since there are unauthorized structures and/or uses on the Lot 558 in D.D. 126 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularization the lease breaches as demanded by LandsD; and
- (e) should the application be approved, the applicant should note his

advisory comments in **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 21.6.2024, 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 renewal of planning approval for temporary container storage with ancillary repair workshops for container vehicles and trailers for a period of three 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 generally in line with the planning intention of the “OS” zone.

12.2 The surrounding area comprises predominantly warehouses, open storage yards, workshops, car park, logistic centre and storage of containers tractors and trailers (**Plan A-2**). The applied use is generally not incompatible with the surrounding land uses.

12.3 The Site falls within Category 1 areas under the TPB PG-No. 13G. 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. 13G. The Site is the subject of a previous approved planning application No. A/YL-PS/640 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. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/640; all the time-limited conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.

12.6 Relevant government departments, including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department, Director of Environmental Protection and Director of Fire Services have no objection to/no adverse comment on the application from traffic, drainage, environmental and fire safety perspectives respectively. DLO/YL, LandsD has concerns on the application as there are unauthorized building works and/or uses on the Site which are already subject to lease enforcement actions. In this regard, the applicant commits that he

would rectify lease breaches upon approval of the current application (**Appendix Ib**). To address the technical requirements of concerned government departments, appropriate approval conditions are 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. 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” to minimise the possible environmental nuisance on the surrounding area and to keep the Site clean and tidy at all times.

- 12.7 There are five previously approved applications covering the Site for the same use between 2009 and 2021. Approval of the current application is generally in line with the previous decisions of the Committee.

13. **Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12, 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 three years and be renewed from **8.8.2024** to **7.8.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities 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 **8.11.2024**;
- (b) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of a 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 **8.2.2025**;
- (d) in relation to (c) above, the implementation of the 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 **8.5.2025**;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 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

Appendix I	Application Form with attachments received on 11.6.2024
Appendix Ia	FI received on 8.7.2024
Appendix Ib	FI received on 25.7.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Layout Plan
Drawing A-4	Landscape Plan
Drawing A-5	Drainage Plan
Plan A-1	Location Plan with Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
AUGUST 2024**