

RNTPC Paper No. A/YL-PS/729
For Consideration by
the Rural and New Town
Planning Committee
on 20.9.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/729

- Applicant** : Mr. TANG Ping Fai represented by Allgain Land Administrators Limited
- Site** : Lots 665 RP (Part), 676 RP, 677 RP, 678 RP (Part), 679 RP (Part), 680 RP (Part), 681, 682 (Part), 683 (Part), 687 (Part), 689 (Part) and 954 RP (Part) in D.D. 122, Ping Shan, Yuen Long
- Site Area** : About 8,530 m²
- 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 maximum plot ratio of 0.4 and maximum building height of 3 storeys including car park]
- Application** : Proposed Temporary Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for a period of three years at the application site (the Site) (**Plan A-1a**) zoned “CDA” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently largely vacant and partly vegetated (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Long Ping Road with the ingress/egress at the northeastern part of the Site (**Plans A-2 and A-3**). According to the applicant, 12 one-storey temporary structures (not exceeding 7m in height) with a total floor area of about 2,640m² are proposed for storage of construction materials, fitting-out materials, metalware and electronic components. Three loading/unloading spaces (11m x 3.5m each) for heavy goods vehicles will be provided. No workshop activity and no open storage will be carried out at the Site. The operation hours are from 8

a.m. to 6 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The vehicular access plan, site plan and layout plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The major development parameters of the current application are summarised as follows:

Site Area	About 8,530 m ²
Total Floor Area	About 2,640 m ²
No. of structures	12 for warehouses
Height of structures	Not more than 7m (1-storey)
No. of parking spaces	Nil
No. of Loading/ Unloading spaces	3 for heavy goods vehicles (11m x 3.5m each)
Operation Hours	8 a.m. to 6 p.m. from Mondays to Saturdays (no operation on Sundays and public holidays)

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

- (a) Application Form with attachments received on **(Appendix I)**
1.8.2024
- (b) Further information (FI) received on 10.9.2024* **(Appendix Ia)**
**[accepted and exempted from publication and recounting requirements]*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application and FI at **Appendices I to Ia**. They can be summarised as follows:

- (a) The application aims at serving imminent demand for temporary sites for storage of construction materials to accommodate the demand arising from the construction of new residential and infrastructure developments in the vicinity.
- (b) The proposed development is a temporary use for a period of three years which would not jeopardise the long-term planning intention of the “CDA” zone.
- (c) Should the application be approved by the Board, the Site will be fenced off to minimise the impact to nearby residential uses.
- (d) Similar applications for logistic centre and warehouse were approved by the Board in the vicinity of the Site within the same “CDA” zone.

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 notice of the application outside the Site and sending registered mail to Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any planning enforcement action.

5. Previous Applications

- 5.1 The Site, in whole or in part, was involved in eight previous applications (No. A/YL-PS/33, 79, 82, 113, 170, 186, 233 and 642) for open storage with or without vehicle park and proposed residential development. 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/33, 79, 82, 113, 170, 186 and 233 for various open storage uses with or without vehicle park covering various extents of the Site were rejected by the Rural and New Town Planning Committee (the Committee) or by the Board upon review between 1998 to 2006 when the Site was zoned “Undetermined” (“U”)¹. The considerations are not relevant to the current application which involves a different use and under different zoning.
- 5.3 Application No. A/YL-PS/642 for proposed residential development covering the whole “CDA” zone was rejected by the Committee on 24.12.2021. The considerations are not relevant to the current application which involves a different use.

6. Similar Application

There is one similar application (No. A/YL-PS/650) for temporary warehouse (storage of used and new construction materials and equipment) for a period of three years within the same “CDA” zone in the past five years. The application was approved by the Committee in 2022 on the considerations that the applied use would not jeopardise the long-term planning intention of the “CDA” zone; not incompatible with the surrounding land uses; and significant adverse traffic, environmental and drainage impacts on the surrounding areas were not envisaged. Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1a**.

¹ The Site was previously zoned “U” from 1996 to 2010 before it was rezoned to “CDA” in 2010.

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

7.1 The Site is:

- (a) currently largely vacant and partly vegetated (**Plan A-2 and A-4**); and
- (b) accessible via a local track leading to Long Ping Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) comprise mainly storage/open storage yards, vehicle park, a soy sauce factory, warehouse intermixed with unused land, vacant land, temporary structures and residential dwellings. Some of the uses are suspected unauthorized developments subject to planning enforcement action; and
- (b) to its immediate south are highway infrastructures including Long Ping Road, Shui Pin Wai Interchange and Long Tin Road.

8. Planning Intention

The planning intention of “CDA” zone is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, if any. 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 Apart from government departments as set out in paragraph 9.2 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided in **Appendices IV and V** respectively.

9.2 The following departments have adverse comment on/conveyed local objection to the application:

Environment

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

- (a) he does not support the application as the proposed development would involve operation of heavy vehicles and there are sensitive receivers to the north of the Site; and environmental nuisance is expected (**Plan A-2**);

- (b) there was no substantiated environmental complaint pertaining to the Site received in the past three years; and
- (c) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” .

District Officer’s Comments

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

A letter from the village representative of Wing Ning Tsuen (**Appendix VI**) was relayed objecting to the application on the grounds that the proposed use would result in adverse traffic and environmental impacts.

10. Public Comments Received During the Statutory Publication Period

On 9.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received (**Appendix VI**) objecting to the application mainly on grounds that the applied use will generate adverse environmental and traffic impacts and is incompatible with the planning intention of the “CDA” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for a period of three years at the Site zoned “CDA” on the OZP. Although the proposed use is not in line with the planning intention of the “CDA” zone, there is no known development proposal at the Site. Approval of the application on a temporary basis for three years would not frustrate the long-term development of the “CDA” zone.
- 11.2 The Site is mainly surrounded by storage/open storage yards, vehicle park, a soy sauce factory, warehouse intermixed with unused land, vacant land, temporary structures and residential dwellings, and is bounded by highways infrastructures to its immediate south (**Plan A-2**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from traffic, fire safety and drainage perspectives respectively. DEP does not support the application as the Site would involve heavy vehicles and there are sensitive receivers to the immediate north of the Site

and thus environmental nuisance is expected. Nonetheless, no substantiated environmental complaint concerning the Site has been received by DEP in the past three years. In this regard, the applicant committed to erect fencing at the Site to minimise potential adverse environmental impact on the nearby sensitive receivers (**Plan A-2**). 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 possible environmental nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.

- 11.4 A similar application for warehouse use within the same “CDA” zone was approved by the Committee in 2022. Approval of the current application is in line with the previous decision of the Committee.
- 11.5 There is one public comment conveyed by DO(YL), HAD and two public comments from individuals received during the statutory publication period objecting to the application as summarised in paragraphs 9.2.2 and 10 above respectively. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the local comment conveyed by DO/YL, HAD and the public comments mentioned in paragraphs 9.2.2 and 10 above respectively, the Planning Department considers that the proposed use could be tolerated for a period of three 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 three years until **20.9.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 **20.3.2025**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.6.2025**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (d) 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 **20.3.2025**;
- (e) in relation to (d) 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 **20.6.2025**;
- (f) if any of the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 proposed use is not in line with the planning intention of the "CDA" zone which is primarily for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 with attachments received on 1.8.2024
Appendix Ia	FI received on 10.9.2024
Appendix II	Previous Applications
Appendix III	Similar Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Local Comment Relayed by DO(YL), HAD
Appendix VII	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Plan
Drawing A-3	Layout Plan
Plan A-1a	Location Plan with similar application
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**