

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

**APPLICATION NO. A/NE-TKL/608**

<b><u>Applicant</u></b>	Mr. YU Wing Woon Peter represented by Albert So Surveyors Limited
<b><u>Site</u></b>	Lots 825, 834 and 836 in D.D. 77 and Adjoining Government Land, Ping Che, New Territories
<b><u>Site Area</u></b>	About 5,330 m <sup>2</sup> (including about 340 m <sup>2</sup> of Government land)
<b><u>Lease</u></b>	(a) Old Schedule Agricultural Lots held under Block Government Lease (i) To expire on 30.6.2047 (ii) Restricted to agricultural purpose  (b) <u>Lots 825 and 836 in D.D.77</u> Short Term Waiver (STW) No. 1076 for the purpose of commercial laundry  (c) <u>Lot No. 834 in D.D. 77</u> STW No. 1079 for the purpose of waste water treatment plant and a water tank  (d) <u>Government land adjoining Lots 825 and 836 in D.D. 77</u> Short Term Tenancy (STT) No. 1066 for the purpose of office, staff rest rooms, water tank and open space
<b><u>Plan</u></b>	Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<b><u>Zoning</u></b>	“Open Storage” (“OS”)
<b><u>Application</u></b>	Industrial Use (Laundry Workshop)

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a laundry workshop at the application site (the site) (**Plan A-1**). According to the Notes of the OZP, laundry workshop, which is considered as an ‘Industrial Use’, is a Column 2 use under the “OS” zone, requiring planning permission from the Town Planning Board (the Board). The Site is currently being used for the applied use without a valid planning permission.
- 1.2 The Site is accessible from Ng Chow South Road to the immediate north (**Plan A-2**). According to the applicant, the development comprises a total of 10 single-storey structures with maximum 7.62m in height (**Drawing A-1**). Structures No. 1 – 5 with a total floor area of 1,485 m<sup>2</sup> are mainly used for laundry workshop, storage of

clothing and an ancillary office. Structures 6 and 7 are water tank and waste water treatment plant respectively while Structures No. 8 – 10 with a total floor area of 386 m<sup>2</sup> are areas with a canopy for storage of clothing and machinery. There is one loading/unloading area for medium goods vehicle and three private car parking spaces at the north-eastern part of the Site. Uncovered area will be used for open storage and delivery of goods and equipment within the Site. The applicant indicates that the operation hours are on a daily basis from 8:00 a.m. to 6:00 p.m.

- 1.3 The Site is the subject of three previously approved planning applications (No. IDPA/NE-TKL/24, A/NE-TKL/5 and A/NE-TKL/427) (**Plan A-2**) which were approved with conditions by the Director of Planning on 26.6.1991, the Committee on 21.10.1994 and 25.10.2013 respectively for a similar use as the current application. In comparison with the last approved scheme (application No. A/NE-TKL/427), two areas at the western portion of the Site are used for temporary open storage areas (**Drawing A-1**), and there is a minor change on the location of the car parking spaces and loading/unloading bay. A fresh application is required in order to regularise the latest scheme for the applied use. There are no changes to other development parameters of the laundry workshop under the application.
- 1.4 In support of the application, the applicant has submitted the following documents:
- |   |                        |
|---|------------------------|
| (a) Application form received by the Board on 28.1.2019   | ( <b>Appendix I</b> )  |
| (b) Planning Statement  | ( <b>Appendix Ia</b> ) |
| (c) Supplementary information received on 11.2.2019   | ( <b>Appendix Ib</b> ) |
| (d) Letter dated 13.3.2019 requesting for 1 <sup>st</sup> deferment of consideration of the application | ( <b>Appendix Ic</b> ) |
| (e) Further Information received on 22.5.2019   | ( <b>Appendix Id</b> ) |
| (f) Letter dated 5.7.2019 requesting for 2 <sup>nd</sup> deferment of consideration of the application  | ( <b>Appendix Ie</b> ) |
| (g) Further Information received on 12.9.2019   | ( <b>Appendix If</b> ) |
- 1.5 At the request of the applicant (**Appendices Ic and Ie**), the Committee agreed on 22.3.2019 and 19.7.2019 to defer making a decision on the application for two months each pending the preparation of further information to address the departmental comments. The applicant submitted the further information (**Appendices Id and If**) on 22.5.2019 and 12.9.2019 respectively and the application is re-scheduled for consideration by the Committee on 1.11.2019.

## **2. Justifications from the Applicant**

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

- (a) the Site was approved by the Board previously under applications No. IDPA/NE-TKL/5, No. A/NE-TKL/5 and 427 on 26.6.1991, 21.10.1994 and 25.10.2013 respectively;
- (b) the laundry workshop is serving various Government institutions which required high standard of hygiene. Hence, the workshop cannot be accommodated in industrial buildings in order to avoid cross contamination;

- (c) the subject laundry workshop has been existed for more than 25 years. The purpose of the current application is to regularise the applied use within the Site;
- (d) the area in the vicinity of the site is dominated by open storage yard and rural land uses and therefore compatible with the surrounding environment;
- (e) the daily traffic volume is approximately 8 vehicles and the subject use would not cause any adverse traffic impacts;
- (f) the operation of the laundry workshop is land-extensive and requires high volume of water consumption and waste water treatment. Ordinary multi-storey industrial buildings could not accommodate such requirements;
- (g) the applicant has submitted a certificate of fire service installation and equipment (**Appendix Id**) under the current application;
- (h) there would be no adverse environmental, traffic, drainage and sewerage impacts induced by the development; and
- (i) new STW and STT applications would be submitted to the LandsD upon obtaining the planning approval to regularise the existing laundry facilities at the Site.

### **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The application site is not involved in any active enforcement cases.

### **5. Previous Applications**

- 5.1 The site is the subject of three previous applications (No. IDPA/NE-TKL/24, A/NE-TKL/5 and A/NE-TKL/427) for similar uses, which were approved with conditions by the Director of Planning on 26.6.1991 and the Committee on 21.10.1994 and 25.10.2013 respectively.
- 5.2 Application No. IDPA/NE-TKL/24 for commercial laundry and associated boiler room was approved with conditions by the Director of Planning on 26.6.1991 (**Plan A-2**) mainly on the grounds that relevant government departments had no adverse comments on or objection to the application.
- 5.3 Application No. A/NE-TKL/5 for laundry workshop use was approved with conditions by the Committee on 21.10.1994 (**Plan A-2**) on the grounds that the proposed upgrading of the commercial laundry development was in line with the planning intention for the area; the development was compatible with the surrounding uses, which were mainly open storage yards and informal industrial uses; no adverse environmental, drainage and traffic impacts on the surroundings; and relevant government departments had no adverse comments on or objection to the

application.

5.4 Upon the planning approval of application No. A/NE-TKL/5, there are subsequent changes in the application site area, covered area and no. of blocks (+8 blocks). The planning application No. A/NE-TKL/427 reflecting the revised development parameters was approved with conditions by the Committee on 25.10.2013 (**Plan A-2**) on the grounds that the development was not incompatible with the surrounding uses; no adverse environmental, drainage, traffic and landscape impacts on the surroundings; and relevant government departments had no adverse comments on or objection to the application.

5.5 Details of the previous applications are summarised at **Appendix II**.

## **6. Similar Application**

There is no similar application in the vicinity.

## **7. The Site and Its Surrounding Areas (Plans A-1 to A-2, aerial photo on **Plan A-3** and site photos on **Plans A-4a and A-4b**)**

7.1 The site is:

- (a) fenced, flat and formed, and occupied by temporary structures;
- (b) currently used as a laundry workshop; and
- (c) accessible by Ng Chow South Road at the north and a local road at the south (**Plan A-2**).

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

- (a) to the east of the site are open storage of recycling material;
- (b) to the north and northwest of the site are some domestic structures, warehouse, vehicle repair workshop and vacant land;
- (c) to its west are a site office and some domestic structures; and
- (d) to its south are open storage yard, warehouse and some domestic structures.

## **8. Planning Intention**

The planning intention of the “OS” zone in the Ping Che and Ta Kwu Ling area is primarily for the provision of land for appropriate open storage uses and to regularise 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. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and/or the public comment received are summarised as follows:

### Land Administration

9.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the lots under application are Old Schedule Agricultural Lots governed by Block Government Lease (demised for agriculture use) without any guaranteed right of access;
- (b) Lots 825 and 836 in D.D.77 are covered by STW No. 1076 for the purpose of commercial laundry. The total site coverage of the structures erected on the lots shall not exceed 799m<sup>2</sup>. Lot No. 834 in D.D. 77 is covered by STW NO. 1079 for the purpose of waste water treatment plant and a water tank. The waste water treatment plant shall have a built-over area of not exceeding 143m<sup>2</sup> and a height of not exceeding 1m and the water tank shall have a built over area of not exceeding 73.9m<sup>2</sup> and a height of not exceeding 1.9m. The Government land adjoining Lots 825 and 836 in D.D. 77 are covered by STT No. 1066 for the purpose of office, staff rest rooms, water tank and open space with an area of 360m<sup>2</sup> and a built over area of not exceeding 63m<sup>2</sup>;
- (c) the occupation boundary and application boundary of the application site does not tally. Site inspection revealed that one of the structures, which is a single structure, erected on Lot 836 was found straddling on both Lots 836 and 831 (i.e. not one of the application lots) (**Plan A-2**). In the submitted further information (**Appendix Id**), the applicant advised that Lot 831 would not be included in the application for it was not the registered owner. Nevertheless the applicant has to separate the concerned structure by all means to an independent one standing only in Lot 836;
- (d) it is noted that the applicant has claimed to have relocated the front gate within Lot 825. The said relocation is subject to confirmation should the applicant later apply STT/STW to her office;
- (e) site inspection also revealed that the application site is surrounded by concrete boundary wall (**Plan A-2**), and part of which ran across Lot 831 and a small piece of Government Land adjoining the STT 1066. This part together with the other part of the boundary wall surround up the whole application site. In the submitted further information (**Appendix Id**), though the applicant claimed that he has no authority to demolish this part of boundary wall since he is not the owner of Lot 831, it is advisable to the applicant to adjust the boundary wall so as to exclude the said part of Lot 831 and the small piece of Government Land. Her office reserves the right to take any necessary land control action against the part of boundary wall on the Government Land;

- (f) as Lot 831 is not one of the application lots, the structures erected thereat without approval would be subject to lease enforcement actions; and
- (g) if the planning permission be granted, the applicant and the owner of Lot No. 831 in D.D. 77 should apply to her office for STWs and STT covering all the actual occupation area. The applications for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW and STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/ rent and administrative fees as considered appropriate by her office.

### **Traffic**

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

- it is noted that the subject application at the same site have been approved since 1991, she has no further comment on the application from the traffic engineering point of view.

#### 9.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- he has no comment on the application and he advised that the access road leading from Ping Che Road to the application site is not maintained by his office.

### **Building Matters**

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

- (a) he has no objection in-principle under the Buildings Ordinance (BO) to the proposed use on the application site;
- (b) there is no record of approval by the Building Authority (BA) for the structures existing at the application site and BD is not in a position to offer comments on their suitability for the use related to the application;
- (c) the applicants' attention is drawn to the following:
  - (i) if the existing structures are erected on leased land without approval of BD, they are unauthorised under BO and should not be designated for any approved use under the application; and
  - (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with building safety and other relevant requirements as maybe be imposed by the licensing authority;
- (iv) the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and
- (v) if the Site does not abut a specified street of not less than 4.5m wide, its development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage.

### **Environment**

#### 9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) he has no adverse comment on the subject application;
- (b) the Site has a valid licence under the Water Pollution Control Ordinance (WPCO) for the discharge of commercial trade effluent with the flow rate limits of 430m<sup>3</sup>/day and an additional requirement that the Licensee shall make necessary arrangements such that only a maximum of 19m<sup>3</sup>/hour of effluent shall be allowed to discharge from 3:00pm to 6:00pm for the period from April to October. It is understood from DSD that there has been no complaint about sewage overflow at Pak Hok Shan Sewage Pumping Station (SPS) (**Plan A-1**) and that the last verbal complaint against sewage backflow at the upstream manhole of the Pak Hok Shan SPS under heavy rainfall was in 2012; and
- (c) there was no record of pollution complaint for the application site in the past 3 years.

### **Drainage**

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

- (a) he has no in-principle objection to the application from the public drainage viewpoint subject to the following:
  - (i) the applicant should review the existing drainage facility and submit a revised drainage proposal for our comments and consideration and implement the revised drainage proposal if necessary. Therefore, the approval condition of submission and implementation of drainage proposal should be imposed under the current application. If the existing drainage system is found to be inadequate or ineffective during operation, the applicant is required to rectify the system to the satisfaction of the relevant Government

departments and also at his own cost;

- (ii) there is an existing channel running along the southern site boundary and it lies partly on Government land and partly on the application site (as indicated on **Plan A-2**). This existing channel is essential to the drainage of areas around the application site. The applicant shall not erect any structure including support, or place any object or obstruction of any kind in the channel or suffer the same to be erected or placed in the channel;
- (iii) the applicant shall maintain those parts of the channel falling within the application site structurally intact and clear of any refuse, deposits or like obstructions to the unimpeded flow in the channel;
- (iv) the applicant shall allow the personnel of DSD or its agents to enter upon or access through the application site for purposes of inspection of the channel upon request; and
- (v) there is public sewerage near the Site.

### **Agriculture**

- 9.1.7 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- she has no comment on the application from a nature conservation standpoint as the Site is largely formed.

### **Fire Services**

- 9.1.8 Comments of the Director of Fire Services (D of FS):
- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for fire-fighting being provided to his satisfaction;
  - (b) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
  - (c) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
  - (d) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
  - (e) emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.



## **Landscape**

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

- (a) she has no objection to the application from the landscape planning point of view;
- (b) since there is no major public frontage along the site boundary, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent; and
- (c) in view of some existing trees are found within the Site, the applicant is reminded that all existing trees within the Site shall be maintained at all times during the approval period.

## **District Officer's Comments**

9.1.10 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The Vice-chairman of Ta Kwu Ling District Rural Committee, the incumbent North District Council member, the Indigenous Inhabitant Representative of Ping Che, the Resident Representative of Ping Che and the Hong Kong Baptist Assembly (**Plan A-1**) have no comment on the application.

9.2 The following Government departments have no comment on / no objection to the application:

- (a) Chief Engineer/Construction, Water Supplies Department: and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department.

## **10. Public Comments Received During Statutory Publication Period**

On 12.2.2019, the application was published for public inspection. During the first three weeks of the statutory public inspection periods, one public comment (**Appendix III**) was received from the Chairmen of Sheung Shui District Rural Committee who indicates no comment on the application.

## **11. Planning Considerations and Assessments**

11.1 The application is for a laundry workshop at the Site zoned "OS" on the OZP. The planning intention of "OS" zone is primarily intended for the provision of land for appropriate open storage uses and to regularise 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. Nevertheless, according to the Explanatory Statement for the OZP, upgrading of existing

workshop/warehouse and provision of new industrial development, though not encouraged, may be permitted on application to the Board. Development proposals for such purposes have to demonstrate clearly that the operations could not be accommodated in conventional flatted factories or godown premises, and the proposed uses would have no adverse environmental, drainage and traffic impacts on the surrounding areas.

- 11.2 The operation of the laundry workshop is land-extensive and requires high volume of water consumption and waste water treatment. The massive size of equipment for the operation of laundry workshop also requires indoor area with high ceiling. Such operations could not be accommodated in conventional flatted factories or godown premises. According to the applicant, the Site has been used as a laundry workshop for more than 25 years. The current application is to reflect the latest layout of the laundry workshop.
- 11.3 The laundry workshop under application is considered not incompatible with the surrounding land uses, which comprise mainly warehouses, workshops and open storage yards (**Plans A-2 and A-3**). DEP has no comment on the application and advised that the Site has a valid licence under the WPCO for the discharge of commercial trade effluent. There was no record of environmental complaints for the past three years. Regarding the possible traffic, drainage and landscape impacts on the surrounding areas, concerned government departments including C for T, CE/MN, DSD and CTP/UD&L, PlanD have no objection to or no adverse comment on the application.
- 11.4 The Site is the subject of three previously approved applications for the same applied use between 1991 and 2013. When compared with the last approved application, (No. A/NE-TKL/427), the current application involved an addition of two temporary open storage areas at the western portion of the Site, and minor changes on the location of the car parking spaces and loading/unloading bay. A fresh application is hence required to reflect the latest scheme and to facilitate the applicant's submission to LandsD for revised STW and STT applications. Since the approval of the last planning application in 2013, there are no major changes in the planning circumstances. In this regard, sympathetic consideration may be given to the application.
- 11.5 It is noted that there is no local objection against the application.

## **12. Planning Department's Views**

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the local views and public comment mentioned in paragraphs 9.1 and 10, the Planning Department has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid until 1.11.2023, and after the said date, the permission shall cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board; and
- (b) the design and provision of water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the Town Planning Board.

### Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the application is not in line with the planning intention of the "OS" zone which is primarily for the provision of land for appropriate open storage uses and to regularise 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. There is no strong planning justification in the submission for a departure from the planning intention.

## **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the 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 date when the validity of the permission should expire.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reasons for rejection should be given to the applicant.

## **14. Attachments**

<b>Appendix I</b>	Application form received by the Town Planning Board on 28.1.2019
<b>Appendix Ia</b>	Planning Statement
<b>Appendix Ib</b>	Supplementary information received on 11.2.2019
<b>Appendix Ic</b>	Letter dated 13.3.2019 requesting for 1 <sup>st</sup> deferment of consideration of the application
<b>Appendix Id</b>	Further Information received on 22.5.2019
<b>Appendix Ie</b>	Letter dated 5.7.2019 requesting for 2 <sup>nd</sup> deferment of consideration of the application
<b>Appendix If</b>	Further Information received on 12.9.2019
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Public Comment
<b>Appendix IV</b>	Recommended Advisory Clauses

<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Lot Index Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4c</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2019**