

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1011

<u>Applicant</u>	: Yield Well Management Limited represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 2008 S.B RP, 2008 S.C ss.1, 2008 S.E RP and 2008 S.F ss.1 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
<u>Site Area</u>	: 3,380 m ² (about)
<u>Lease</u>	: New Grant Lots (for orchard purpose only)
<u>Plan</u>	: Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/12
<u>Zoning</u>	: “Industrial (Group D)” (“I(D)”) <i>[restricted to a maximum plot ratio of 1.6, maximum site coverage of 80% and maximum building height (BH) of 13m]</i>
<u>Application</u>	: Proposed Temporary Logistics Centre and Warehouse for Storage of Recyclable Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary logistics centre and warehouse for storage of recyclable materials for a period of 3 years (**Plan A-1**). According to the Notes of the OZP for the “I(D)” zone, while ‘Warehouse (other than Dangerous Goods Godown)’ is always permitted, ‘Cargo Handling and Forwarding Facility (Container Freight Station, Logistics Centre only)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently undergoing site formation works (**Plans A-2 and A-4**).
- 1.2 The Site involves a previous application (No. A/YL-TYST/88) for proposed asphalt concrete batching plant which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 17.3.2000 (**Plan A-1**). The planning permission lapsed on 18.3.2004.
- 1.3 According to the applicant, the proposed warehouse is for storage of recyclable materials and the proposed logistics centre is for providing logistics support for provisions businesses, including freight management, inventory control, and storage and consolidation of goods for distribution. No workshop activities and

storage or handling (including loading and unloading (L/UL)) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) and any type of electronic waste will be carried out on the Site. In addition, no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, are allowed to enter/be parked at the Site. Plans showing the site layout and drainage proposal submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

1.4 The major development parameters of the application are summarised as follows:

Site Area	3,380 m ² (about)
Total Floor Area (non-domestic)	1,580 m ² (about)
No. and Height of Structures	4 <ul style="list-style-type: none">• one for logistics centre (10m, 1 storey)• one for warehouse (10m, 1 storey)• one for toilet (3m, 1 storey)• one for site office (3m, 1 storey)
No. of Parking Space	Nil
No. of L/UL Space	1 (11m x 3.5m) (for medium goods vehicle)
Operation Hours	7:00 a.m. to 9:00 p.m., with no operation on Sundays and Public Holidays

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

- (a) Application Form with plans received on 9.3.2020 **(Appendix I)**
- (b) Further Information (FI) received on 15.5.2020 providing **(Appendix Ia)** Traffic Impact Assessment
[accepted but not exempted from publication and recounting requirements]

1.6 On 24.4.2020, the Committee agreed to defer a decision on the application for a period of two months, as requested by the applicant. On 15.5.2020, FI (**Appendix Ia**) was received and the application is submitted to the Committee for consideration at this meeting.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form and the FI (**Appendices I** and **Ia**). They can be summarised as follows:

- (a) The proposed development is in line with the planning intention of the “I(D)” zone. According to the then Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E), the Site fell within Category 1 areas and was considered suitable for the proposal.
- (b) The proposed logistics centre is less than 1,000m² in size. There will be minimal traffic and drainage impacts arising from the proposal. No parking space is needed as staff and visitor will access the Site by public transport facilities. A traffic warden will station at the proposed site office and direct the vehicle to the L/UL

space. Sufficient manoeuvring space will be provided within the Site and no vehicle will queue back to or reverse onto Tong Yan San Tsuen Road.

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No. 13F promulgated by the Board on 27.3.2020. The relevant extract of the Guidelines is attached at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Application

The Site involves a previous application (No. A/YL-TYST/88) for proposed asphalt concrete batching plant which was approved with conditions by the Committee on 17.3.2000, mainly on the grounds that the proposal was in line with the planning intention and the development restrictions of the “I(D)” zone; and generally compatible with the surrounding areas. On 14.3.2003, the Board approved an application to extend the validity of the planning permission for a further 12 months. However, the proposal had not been commenced and the planning permission expired on 18.3.2004. Details of the application are summarised in **Appendix III** and the boundary of the site is shown on **Plan A-1**.

7. Similar Applications

7.1 There was one similar application (No. A/YL-TYST/913) for temporary logistics centre within the subject “I(D)” zone, which was approved with conditions for a period of 3 years by the Committee on 16.11.2018, mainly on the grounds that the proposal was generally in line with the then TPB PG-No. 13E; the development was generally not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. Details of the application is summarised in **Appendix IV** and the location of the site is shown on **Plan A-1**.

7.2 For Members’ information, application No. A/YL-TYST/1027 for temporary warehouse for storage of recyclable material and ancillary workshop for a period of

3 years straddling the subject “I(D)” zone on the OZP will also be considered at this meeting (**Plan A-1**).

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

8.1 The Site is:

- (a) accessible via a short local track leading from Tong Yan San Tsuen Road to its north (**Plan A-2**);
- (b) largely paved and fenced-off; and
- (c) currently undergoing site formation works (**Plan A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2** and **A-3**):

- (a) predominantly open storage/storage yards and warehouses intermixed with a residential structure with store, concrete batching plant, workshops, dangerous goods godown, electricity substation, logistics centre, factories, graves, unused land and vacant land/structures;
- (b) there is a residential structure located about 5m to its northeast;
- (c) to its further south and southeast are areas zoned “Residential (Group B)1” (“R(B)1”) and “Government, Institution or Community” (“G/IC”) respectively; and
- (d) part of the concrete batching plant, dangerous goods godown, store, storage yard for chemical material and logistics centre in the “I(D)” zone and the two warehouses in the “R(B)1” and “G/IC” zones are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intention

The planning intention of the “I(D)” zone is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements. It is also intended for the redevelopment of existing informal industrial uses, which are operated in workshop premises in rural area, to properly designed permanent industrial buildings.

10. Comments from Relevant Government Departments

10.1 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

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

- (a) The Site comprises New Grant Lots which shall not be used for any purpose other than as an orchard.
- (b) Should planning approval be given to the subject planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Tong Yan San Tsuen Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified and consulted with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Tong Yan San Tsuen Road.

Environment

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

- (a) DEP does not support the application as there is a sensitive receiver of residential use in the vicinity (located about 5m to the northeast of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There was no environmental complaint concerning the Site received in the past 3 years.

- (c) Should the planning application be approved, the applicant should be advised to follow relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

Drainage

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

- (a) He has no objection in principle to the proposed development from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a revised drainage proposal, and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.
- (c) The applicant should be reminded of the detailed comments at **Appendix VI** on the submitted drainage proposal.

Fire Safety

10.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be reminded of the detailed comments at **Appendix VI**.

Building Matters

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

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

Long-Term Development

10.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site mainly falls within an area zoned “Other Specified Uses (Storage Use)” (“OU(SU)”) and partly falls within an area shown as ‘Road’.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

10.1.9 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) However, the Site falls within the boundary of YLS development – Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the project. Land clearance operation is tentatively targeted to commence in 2024. Thus, the applicant shall be reminded that extension of the planning permission may not be supported in future and shall be advised not to carry out any substantial works in view of the planned YLS development – Stage 2 Phase 2.

District Officer’s Comments

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

His office has not received any feedback from the locals.

10.2 The following government departments have no comment on the application:

- (a) Director of Agriculture, Fisheries and Conservation (DAFC);
- (b) Director of Electrical and Mechanical Services (DEMS);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 17.3.2020 and 22.5.2022, the application and the subsequent FI (**Appendix Ia**) were published for public inspection. During the respective three weeks of the statutory public inspection periods, one public comment was received from a member of the Yuen Long District Council who did not object to the application but opined that the height of the

proposed structures should be revised to not more than 8m so as to be in keeping with the height of NTEHs (**Appendix V**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary logistics centre and warehouse for storage of recyclable materials for a period of 3 years at a site zoned “I(D)” on the OZP. While the warehouse is always permitted within the “I(D)” zone, the logistics centre requires planning permission from the Board. Although the proposed logistics centre is not entirely in line with the planning intention of the “I(D)” zone which is primarily for industrial uses that cannot be accommodated in conventional flatted factories due to extensive land and/or high ceiling requirements, it could provide logistical support to industrial uses in the area. While the Site mainly falls within an area zoned “OU(SU)” and partly falls within an area shown as ‘Road’ on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the proposed temporary use for 3 years. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.
- 12.2 The surrounding areas comprise predominantly industrial operations, open storage/storage yards and warehouses (**Plan A-2**). Although there is a residential structure in the vicinity, the development is generally not incompatible with the surrounding uses within the subject “I(D)” zone.
- 12.3 According to TPB PG-No. 13F, the Site falls within Category 1 areas. The following guidelines are relevant:
- 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, 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 generally in line with TPB PG-No. 13F in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; there are no local objections; and the technical concerns of relevant government departments could be addressed through the implementation of approval conditions.
- 12.5 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there is a sensitive receiver of residential use in the vicinity of the Site (located about 5m to its northeast) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 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 other 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 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 in order to minimise any potential environmental impact on the surrounding areas.

- 12.6 There is no previous application of similar nature concerning the Site but one similar approved application in the subject “I(D)” zone. Approval of the current application is in line with the Committee’s previous decision.
- 12.7 Regarding the public comment to reduce the height of the proposed structures (**Appendix V**), the proposed height of 10m does not exceed the maximum BH restriction of 13m under the “I(D)” zone on the OZP.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comment as summarised in paragraph 11, the Planning Department has no objection to the 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 3 years until 10.7.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 9:00 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 on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no workshop activities and storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) and any type of electronic waste, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of boundary fencing on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.1.2021;
- (g) the submission of a revised 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 10.1.2021;
- (h) in relation to (g) above, the implementation of the revised 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 10.4.2021;

- (i) the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.1.2021;
- (k) in relation to (j) above, the implementation of the fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 10.4.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (i) 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
- (m) if any of the above planning conditions (f), (g), (h), (j) or (k) 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 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Member's reference:

- (a) the proposed logistics centre is not in line with the planning intention of the "I(D)" zone, which is primarily intended for industrial uses that cannot be accommodated in conventional flatted factories. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

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 Plans received on 9.3.2020
Appendix Ia	FI received on 15.5.2020
Appendix II	Relevant Extract of TPB PG-No. 13F
Appendix III	Previous Application covering the Site
Appendix IV	Similar Application within the subject “I(D)” zone
Appendix V	Public Comment received during the Public Inspection Periods
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2020**