

Responses-to-Comments

**Proposed Temporary Container Storage Yard, Container Vehicle Park,
Vehicle Repair Workshop, Logistics Centre, Warehouse and Open Storage of Miscellaneous Goods
with Ancillary Facilities for a Period of 3 Years and Associated Filling of Land in “Agriculture” Zone,
Various Lots in D.D. 87, Hung Lung Hang, New Territories**

(Application No. A/NE-HLH/77)

- (i) The applicant provides further information to demonstrate that the affected tenants are existing operators:
- the existing operators (Tenants A to H) have authorised the applicant, i.e. Able New Development Limited, to handle the matters in relation to their relocation. Please refer to the ‘Memorandum of Understanding’ signed by each of the tenants at **Annex 1a**. Should the application be approved, the application site (the Site) will be used for accommodating the said businesses of the affected operators;
 - according to the tenancy agreements of Tenants A to E, their respective agreement shall renew automatically unless either party decides to terminate the tenancy by giving at least 3 months’ notice. It is confirmed that Tenants A to E are still operating at the premises and their respective agreement are still valid;
 - the tenancy agreement of Tenant F is still valid and will expire in November 2024; the tenancy agreement of Tenants G and H are still valid and will expire in March 2028 and June 2027 respectively. Tenants F, G and H are still operating at the premises and their respective agreement are still valid;
 - site photos showing the existing operations of each tenant are enclosed at **Annex 1b**;
 - the affected premises have been leased to Tenants A and D by Fancy Spot Limited i.e. Tenant F. The electricity meters installed at the affected premises of Tenants A and D were registered under the name of Tenant F, who is responsible for the bi-monthly payment of electricity bills. The electricity bills issued to Tenant F by CLP Power, as well as the payment records of Tenants A and D to Tenant F are enclosed at **Annex 1c**;
 - electric generators have been used by Tenants B, C, E, G and H to generate electricity at the affected premises. Hence, no electricity meter was installed; and
 - the applicant has revised the boundary of the affected business premises of Tenants B, D, E, G and H. Please refer to the revised documents, including P.7 of the planning statement; revised summary of the affected business premises (Appendix I of the planning statement); and revised plans showing details of original premises at **Annex 1d**.

(ii) A RtoC Table:

Departmental Comments		Applicant's Responses
1. Comments of the Director of Environmental Protection (DEP)		
(a)	Please provide information on sewage treatment proposal.	<p>The major source of wastewater will be sewage from the washroom generated by staff. Given that no public sewer is available in the vicinity of the Site, the applicant proposes to provide septic tank and soakaway system to collect the sewage generated from the proposed development.</p> <p>Noting that the Site is in close proximity to Ping Yuen River, the design and construction of the septic tank and soakaway system will strictly follow the requirements as stipulated in <i>Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PNs) 1/23</i>. Licensed collectors will be employed by the applicant to collect and dispose of the sewage regularly, and the location of toilets will be located as far away as possible from nearby watercourse.</p>
2. Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD)		
(a)	The applicant is advised to provide basic information (e.g. number, species, size, general conditions and tree photos) on existing trees within and along the site boundary, proposed tree treatments and mitigation measures for TPB's consideration.	The site inspection conducted on 11.11.2024 did not identify any protected or rare species within the Site. All trees identified thereon are of common species. The preliminary tree survey report is enclosed at Annex 2 .
(b)	The applicant should be advised that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant authority prior to commencement of the works.	Noted.

Departmental Comments	Applicant's Responses
3. Comments of the Director of Agriculture, Fisheries and Conservation (DAFC)	
<p>(a) <u>From agricultural perspective</u> The subject site falls within the "AGR" zone and is generally abandoned with some agricultural activities. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The subject site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the subject site possesses potential for agricultural rehabilitation, the proposed development is not supported from agricultural perspective.</p>	<p>The Site has been left abandoned without active agricultural use. The Site is surrounded by various brownfield operations, which is considered not optimal for agricultural activities.</p> <p>Despite the fact that the proposed development is not in line with the planning intention of the "Agriculture" ("AGR") zone, the special background of the applicant being the affected operator under the Remaining Phase development of the Fanling North New Development Area (FLN NDA) project should be considered on its individual merit, of which approval of the current application would not set an undesirable precedent for the "AGR" zone. In addition, the current application is to facilitate the relocation of the affected operator, which is crucial to the smooth clearance of land and implementation of the FLN NDA project, and the provision of operating space for displaced brownfield operations still needed by the community.</p> <p>Similar applications (nos. A/NE-HLH/59, 60, 61, 66, 68, 70 and 71) for open storage/warehouse uses have recently been approved by the Town Planning Board within the same "AGR" zone. As such, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the "AGR" zone. The applicant will reinstate the Site to an amenity area upon expiry of the planning permission.</p>

<p>(b)</p>	<p><u>From nature conservation perspective</u></p> <p>The subject site is partly wooded. Ping Yuen River is located to the immediate North of the subject site. It is noted from S.5.21 of the Planning Statement no OVT or protected species has been identified at the subject site. As such, please ask the applicant to provide the tree survey report (if any) to demonstrate the removal of all trees at the subject site will not cause any adverse impact.</p> <p>The applicant should also propose mitigation measures to avoid adverse impact to the Ping Yuen River during construction and operation of the proposed use for our further consideration.</p>	<p>The preliminary tree study report is enclosed at Annex 2. For details, please refer to the above applicant's response to CTP/UD&L, PlanD.</p> <p>As mentioned in Sections 5.19 and 5.20 of the Planning Statement, the applicant will implement good practices e.g. properly maintained on-site drainage system with sand/silt removal facilities under <i>ProPECC PNs 1/23</i> and <i>2/23</i> issued by the Environmental Protection Department with a view to mitigating the potential adverse impact to the nearby watercourse during construction and operation phases of the proposed development. As such, the adverse impact to Ping Yuen River arising from the construction and operation of the proposed development shall not be envisaged.</p>
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Departmental Comments		Applicant's Responses
4. Comments of the Commissioner for Transport (C for T)		
(a)	The applicant should demonstrate satisfactory manoeuvring of the articulated container vehicles travelling the subject site to/from Man Kam To Road / Ping Che Road (i.e. the ingress and egress routes) using swept path analysis. The areas that can be allocated as passing places on the proposed vehicular access should also be identified and presented on the figures.	The swept path analyses have demonstrated the smooth manoeuvring of articulated container vehicles travelling between the Site and Ping Che Road. Passing areas are also indicated along the vehicular access (Annex 3). Besides, as mentioned in Sections 3.3 and 5.14 of the Planning Statement, the Site is also accessible from Man Kam To Road via Kong Nga Po Road. The applicant will deploy staff to direct vehicles to use both accesses while accessing/leaving the Site in order to avoid causing congestion to the road network. The traffic generated/attracted by the proposed development will be evenly diverted to both accesses. With the implementation of traffic management measures, it is expected that the adverse impact on the local traffic will be minimal.
(b)	The applicant shall advise the management/control measures to be implemented to ensure no queuing of vehicles outside the subject site.	As mentioned in Section 5.15 of the Planning Statement, sufficient space is provided for vehicle to manoeuvre smoothly within the Site to ensure that no vehicle will be allowed to queue back to or reverse onto/from the Site to the public road. Staff will be deployed at the ingress/egress to direct incoming/exiting vehicles to avoid queuing of vehicles outside the Site.
(c)	The applicant shall advise the provision and management of pedestrian facilities to ensure pedestrian safety.	As mentioned in Section 5.15 of the Planning Statement, staff will be deployed to station at the ingress/egress of the Site to direct incoming/outgoing vehicles. Besides, 'BEWARE OF PEDESTRIAN' and 'STOP' signs will be shown at the ingress/egress to enhance pedestrian safety.
(d)	The applicant shall advise the measure in preventing illegal parking by visitors to the subject site.	As mentioned in Section 5.5 of the Planning Statement, visitor is not anticipated as there will be no shopfront at the Site.

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(e)	The proposed vehicular access between Man Kam To Road / Ping Che Road and the application site is not managed by TD. The applicant should seek comments from the responsible party.	Noted.
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