

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

**APPLICATION NO. A/YL-TYST/1040**

- Applicant** : Luen Shun Property Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1401 S.A & S.B & S.C & S.D (Part), 1402 (Part) and 1489 (Part) in D.D. 119, Kung Um Road, Yuen Long
- Site Area** : 1,280 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/13 currently in force  
  
Approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Zonings** : Area shown as ‘Road’ (about 66.3%)  
  
“Residential (Group (A)3)” (“R(A)3”) (about 32.8%) and  
*[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]*  
  
“Open Space” (“O”) (about 0.9%) on the draft TYST OZP No. S/YL-TYST/13 currently in force  
  
“Undetermined” (“U”) on the then approved TYST OZP No. S/YL-TYST/12 at the time of submission
- Application** : Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary warehouse for storage of electronic goods for a period of 3 years (**Plan A-1a**). The Site falls within an area mainly shown as ‘Road’ (about 66.3%) and partly zoned “R(A)3” (about 32.8%) and “O” (about 0.9%) on the draft TYST OZP No. S/YL-TYST/13 currently in force. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of

the OZP. Furthermore, all uses or developments within area shown as 'Road' require planning permission from the Board. The Site is currently occupied by the applied use without valid planning permission (**Plans A-2, A-4a and A-4b**).

- 1.2 The Site involves one previous application (No. A/YL-TYST/257) for temporary vehicle repair workshop for a period of 3 years which was rejected by the Board on review on 4.2.2005 (**Plan A-1b**). Details of the previous application are at paragraph 5 and **Appendix II**.
- 1.3 According to the applicant, the warehouse is for storage of packed electronic goods including brand new tablets, mobile phones and computers. No repairing, dismantling, cleaning and other workshop activities will be carried out at the Site. The applicant undertakes that all proposed drainage facilities within the Site will be constructed and maintained at its own expense. Furthermore, no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal and drainage proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the application are summarised as follows:

Site Area	About 1,280 m <sup>2</sup>
Total Floor Area (Non-domestic)	505 m <sup>2</sup>
No. and Height of Structures	6 <ul style="list-style-type: none"><li>• two for warehouse (7m, 1 storey)</li><li>• two for site office (3m, 1 storey)</li><li>• one for guard room (3m, 1 storey)</li><li>• one for toilet (3m, 1 storey)</li></ul>
No. of Parking Space	Nil
No. of Loading/Unloading Space	1 (for light goods vehicle) (7 m x 3.5 m)
Operation Hours	9:00 a.m. to 5:00 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 annexes and plans received on 9.6.2020 (**Appendix I**)
- (b) Further Information (FI) received on 28.7.2020 clarifying the operation hours (**Appendix Ia**)  
*[exempted from publication and recounting requirements]*
- 1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 7.8.2020 for consideration of the application has been rescheduled, and the Board has agreed to defer consideration of the application and the application is now scheduled for consideration by the Rural and New Town Planning Committee (the Committee) of the Board 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 (**Appendix I**). They can be summarised as follows:

- (a) The temporary proposal would not jeopardise the long-term planning intention. A number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site, and their planning circumstances were similar to that of the current application. The development is not incompatible with these uses in the surroundings. Besides, there is a shortage of land for port back-up purpose in TYST.
- (b) The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F) as the Site falls within Category 1 areas.
- (c) There will be minimal traffic, environmental and drainage impacts arising from the proposal. The proposed development would not generate queuing of traffic outside the Site, and adequate space for manoeuvring of vehicles will be provided.

## 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 site notice and sending the notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## 4. Background

- 4.1 At the time of the submission of the application, the Site fell within an area zoned “U” on the then approved TYST OZP No. S/YL-TYST/12. Subsequently, the draft TYST OZP No. S/YL-TYST/13 was gazetted under section 5 of the Town Planning Ordinance (the Ordinance). The Site now falls within an area mainly shown as ‘Road’ (about 66.3%) and partly zoned “R(A)3” (about 32.8%) and “O” (about 0.9%) on the draft TYST OZP No. S/YL-TYST/13 currently in force (**Plan A-1a**).
- 4.2 The Site is currently not subject to planning enforcement action.

## 5. Previous Application

The Site involves one previous application (No. A/YL-TYST/257) for temporary vehicle repair workshop for a period of 3 years which was rejected by the Board on review on 4.2.2005 (**Plan A-1b**), mainly on the grounds that the development was considered not compatible with the surrounding rural land uses and there were potential adverse environmental, drainage and landscape impacts. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1b**.

Compared with the previous application, the current application is submitted by a different applicant for a different use (i.e. warehouse) covering a slightly smaller site with different site layout and development parameters.

## 6. Similar Applications

There are 17 similar applications for various temporary warehouse with or without open storage uses within/straddling the subject “R(A)3” and “O” zones<sup>1</sup> since 2015. They were all approved with conditions each for a period of 3 years by the Committee between 2015 and 2020, mainly on similar considerations that the developments were generally not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, three of the planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

## 7. Planning Intention

The planning intention of the “R(A)3” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

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

8.1 The Site is:

- (a) accessible via a local track leading from Kung Um Road to its east;
- (b) paved and fenced off; and
- (c) currently occupied by the applied use without valid planning permission.

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

- (a) predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, parking of vehicles, chicken sheds, agricultural land, construction site, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its south; and
- (c) except for six warehouses operating with valid planning permissions (No. A/YL-TYST/884, 902, 986, 988, 990 and 991) in the vicinity and another warehouse to the northeast of the Site, the other warehouses, open storage/storage yards, vehicle repair workshops, parking of vehicles and

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<sup>1</sup> All the similar applications were approved prior to the rezoning of the sites to “R(A)3” and “O” on the draft TYST OZP No. S/YL-TYST/13.

chicken sheds in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## **9. Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

### **Land Administration**

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

- (a) The Site comprises Old Schedule Agricultural Lots 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 1489 in D.D. 119 is covered by Short Term Waiver (STW) No. 4677 to permit structures erected thereon for the purpose of “Temporary Warehouse and Open Storage of Escalator Parts and Construction Materials”.
- (c) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate and the lot owner(s) of the lot(s) without STW 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**

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

- (a) The land status of the access road/path/track leading to the Site from Kung Um 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.

9.1.3 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 Kung Um Road.

**Environment**

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

- (a) There was no environmental complaint concerning the Site received in the past 3 years.
- (b) Should the 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**

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

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

**Fire Safety**

9.1.6 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. Furthermore, the applicant should be reminded of the detailed comments at **Appendix V**.

### **Building Matters**

9.1.7 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 V**.

### **Long-Term Development**

9.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, PlanD (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 falls within an area partly zoned “Residential – Zone 1 (Subsidised Sale Flats with Commercial)” (“R1(SSF)c”), “Special Residential – Zone 1 – Public Rental Housing (with Commercial)” (“RS(1)c”) and “District Open Space” (“DO”) and partly 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.

9.1.9 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**

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

Her office has not received any comment from the village representatives in the vicinity regarding the application.

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

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

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

On 16.6.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from a village representative of Muk Kiu Tau Tsuen and an individual. The village representative of Muk Kiu Tau Tsuen objected to the application mainly on the ground that the proposal with high traffic flow would lead to traffic congestion on Kung Um Road and hence affect the nearby residents (**Appendix IV-1**). The individual questioned the long-term development plans for the area and opined that such uses should be consolidated into high-rise industrial buildings (**Appendix IV-2**).

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

11.1 The application is for temporary warehouse for storage of electronic goods for a period of 3 years. Subsequent to the receipt of the application by the Board, the draft TYST OZP No. S/YL-TYST/13 covering the Site was gazetted under section 5 of the Ordinance on 10.7.2020. The Site now falls within an area mainly shown as 'Road' (about 66.3%) and partly zoned "R(A)3" (about 32.8%) and "O" (about 0.9%) on the draft TYST OZP No. S/YL-TYST/13.

11.2 The "R(A)3" zone on the draft TYST OZP No. S/YL-TYST/13 is intended primarily for high-density residential developments. Although the development is not in line with the planning intention and mainly falls within an area shown as 'Road', CE/CID, PlanD did not raise objection and PM (W), CEDD has no objection to the temporary use for 3 years as the Site is not expected to be resumed within the next 3 years for Stage 2 Phase 2 YLS Development. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.

11.3 The surrounding areas comprise predominantly warehouses and open storage/storage yards (**Plan A-2**). Although there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses.



- 11.4 There is no adverse comment on the application from concerned government departments, including C for T, CE/MN, DSD and DEP. Adverse traffic, drainage and environmental impacts arising from the proposal are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the local concerns and 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 to minimise any potential environmental impact on the surrounding areas.
- 11.5 Given that 17 similar applications have been approved within/straddling the subject “R(A)3” and “O” zones since 2015, approval of the current application is in line with the Committee’s previous decisions. Although there was one previous application (No. A/YL-TYST/257) for temporary vehicle repair workshop rejected by the Board on review in 2005, it was for a different use and not related to the current application.
- 11.6 There were two public comments received during the statutory publication period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 are relevant.

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

- 12.1 Based on the assessments made in paragraph 11, and having taken into account the public comments as summarised in paragraph 10, the Planning Department considers that the temporary warehouse for storage of electronic goods could be tolerated for a period of 3 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 3 years until 15.9.2023. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no operation between 5:00 p.m. and 9:00 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 repairing, dismantling, cleaning or other workshop activities, as proposed by the applicant, shall be carried out on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 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) all existing trees within the Site shall be maintained at all times during the planning approval period;
- (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 15.3.2021;
- (h) in relation to (g) above, the implementation of the 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 15.6.2021;
- (i) in relation to (h) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (j) the submission of a 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 15.3.2021;
- (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 15.6.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) 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 (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 V**.

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

the development is not in line with the planning intention of the "R(A)3" zone which is intended primarily for high-density residential developments. No strong planning justification has been given in the submission to justify 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**

<b>Appendix I</b>	Application Form with annexes and plans received on 9.6.2020
<b>Appendix Ia</b>	FI received on 28.7.2020
<b>Appendix II</b>	Previous Application covering the Site
<b>Appendix III</b>	Similar Applications within/straddling the subject “R(A)3” and “O” Zones on the TYST OZP since 2015
<b>Appendices IV-1 and IV-2</b>	Public Comments Received During the Statutory Publication Period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Landscape and Tree Preservation Proposal
<b>Drawing A-4</b>	Drainage Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2020**