

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

**APPLICATION NO. A/YL-TYST/902**

<b><u>Applicant</u></b>	: Luen Shun Property Company Limited represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	: Lot 1495 (Part) and Adjoining Government Land in D.D. 119, Kung Um Road, Yuen Long, New Territories
<b><u>Site Area</u></b>	: 1,890m <sup>2</sup> (about) (includes Government land (GL) of about 157m <sup>2</sup> )
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11
<b><u>Zoning</u></b>	: “Undetermined” (“U”)
<b><u>Application</u></b>	: Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of exhibition materials for a period of 3 years at the application site (the Site). The Site is currently occupied for the applied use and covered by a valid planning permission granted under Application No. A/YL-TYST/747 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site was involved in eight previous applications (No. A/DPA/YL-TYST/91, A/YL-TYST/134, 151, 179, 203, 234, 655 and 747) for various open storage/warehouse with/without ancillary workshop uses (**Plan A-1b**). Details of the previous applications are at paragraph 5 and **Appendix II**. Compared with the last application (No. A/YL-TYST/747), the current application is submitted by a different applicant for the same use on the same site with different development parameters.
- 1.3 The Site abuts Kung Um Road to its east with an ingress/egress provided at the eastern periphery. According to the applicant’s submission, the Site would be segregated into five warehouses (**Drawing A-1**) for the storage of exhibition boards, booths, lighting and alike. The applicant undertakes that no repairing, cleaning, dismantling or other workshop activities will be carried out at the Site.

The proposed layout plan, the tree preservation plan, and the as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.4 A comparison of the major development parameters of the current application and the last approved application is as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/747 (a)</b>	<b>Current Application No. A/YL-TYST/902 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years		---
Site Area	1,890m <sup>2</sup> (about) (includes GL of about 157m <sup>2</sup> )		---
Total Floor Area (Non-domestic)	About 1,240m <sup>2</sup>	About 1,184.5m <sup>2</sup>	-55.5m <sup>2</sup> (-4.5%)
No. of Structures	3 (1 for warehouse, 1 for toilet and 1 for site office and meter room uses)	7 (5 for warehouse, 1 for toilet and 1 for site office and meter room uses)	+4
Height of Structure	3.5m to 10m (1 storey)		---
Loading/Unloading Spaces	1 for light/medium goods vehicle (not exceeding 24 tonnes)		---
Operation Hours	7:00 a.m. to 7:00 p.m. Mondays to Saturdays 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 received on 21.5.2018 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**

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

The justifications put forth by the applicant in support of the application are detailed in Section 3 of the Supplementary Planning Statement (**Appendix Ia**). They can be summarized as follows:

- (a) The Site is zoned “U” on the OZP. The proposed development is in line with the planning intention of the “U” zone which is to cater for the continuing demand for open storage uses which cannot be accommodated in conventional godown premises.
- (b) The applied development is compatible with the surroundings in that it falls within an area mainly filled with open storage uses. A number of planning approvals have been granted by the Board under applications No. A/YL-TYST/746, 770, 771 and 884. The current application is not significantly different from the said approved applications. The Board’s earlier decision reflects that the applied

development may be tolerated provided that adequate mitigation measures are proposed.

- (c) Insignificant environmental, visual, traffic and drainage impacts are anticipated. A number of environmental mitigation measures are proposed; the Site will be fenced off and landscape plantings are provided along the site periphery; no heavy goods vehicle exceeding 24 tonnes and container trailer/tractor will access the Site; and the existing drainage facilities will be maintained.

### **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 Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The use in the Site is subject to investigation. Should a material change of use be identified and confirmed in this Site, which constitutes an unauthorised development under the Town Planning Ordinance, enforcement action would be instigated.

### **5. Previous Applications**

- 5.1 The Site was involved in eight previous applications (No. A/DPA/YL-TYST/91, A/YL-TYST/134, 151, 179, 203, 234, 655 and 747) for various open storage/warehouse with/without ancillary workshop uses. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A1-b**.
- 5.2 Applications No. A/YL-TYST/134 and 234 for temporary open storage uses were rejected by the Committee on 18.5.2001 and the Board on review on 20.8.2004 respectively for the reason of, amongst other, no/insufficient information to demonstrate no adverse environmental impact.
- 5.3 Applications No. A/DPA/YL-TYST/91 and A/YL-TYST/151, 179, 203, 655 and 747 for open storage/warehouse uses were approved with conditions by the Committee on 29.11.1996, 16.11.2001, 22.11.2002, 16.5.2003, 17.1.2014 and 7.8.2015 respectively. All the time-limited approval conditions of the last approval (No. A/YL-TYST/747) have been complied with and the planning permission is valid up to 7.8.2018.
- 5.4 Compared with the last application (No. A/YL-TYST/747), the current application is submitted by a different applicant for the same use on the same site with different development parameters.

## 6. Similar Applications

- 6.1 A total of 36 similar application for various types of temporary warehouse with or without open storage and/or ancillary site office uses in this part of the “U” zone had been considered by the Committee since the promulgation of TPB PG-No. 13E on 17.10.2008. Details of the applications are summarized in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 All 36 applications were approved mainly on similar considerations that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant Government departments could be addressed by imposing approval conditions. However, amongst these approved applications, eight were revoked due to non-compliance with approval conditions.

## 7. The Site and Its Surrounding Areas (Plans A-1a, A-2 to A-4b)

7.1 The Site is:

- (a) abutting Kung Um Road to its east with a vehicular ingress/egress point provided at the eastern periphery (**Plan A-2**);
- (b) paved and fenced off; and
- (c) covered by a valid planning permission under Application No. A/YL-TYST/747 for the same use as the current application with validity up to 7.8.2018.

7.2 The surrounding areas have the following characteristics:

- (a) mixed with open storage/storage yards, vehicle repair workshops, car service, vehicle park, warehouses, scattered residential structures, orchard, chicken shed, cultivated agricultural land, vacant structures/land and unused land;
- (b) scattered residential structures are found in the vicinity of the Site with the nearest one to its immediate south;
- (c) there are warehouses located the north and northwest of the Site which are operating with planning permissions under Applications No. A/YL-TYST/770 and 813;
- (d) there are open storage yard and vehicle repair workshops to its north, south and southeast which are “existing uses” tolerated under the Town Planning Ordinance;
- (e) except for those having valid planning permissions or being “existing uses”, the other open storage/storage yards, vehicle repair workshops, car service, vehicle park and warehouses are suspected unauthorized developments subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

The planning intention of the “U” zone is to cater for the continuing demand for open storage, which cannot be accommodated in conventional godown premises. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic from the proposed development. The area is therefore zoned “U” pending further detailed studies on the infrastructural impacts and the preparation of detailed layout plan.

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

9.1 The following government departments have been consulted and their views on the application are summarized 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 Agriculture Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Lot No. 1495 in D.D. 119 is covered by Short Term Waiver (STW) No. 4365 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Exhibition Materials”.
- (c) The GL within the Site is covered by Short Term Tenancy No. 2937 for the purpose of “Temporary Warehouse for Storage of Exhibition Materials”.
- (d) The Site is accessible to Kung Um Road via GL. Her office does not provide maintenance work for GL involved and does not guarantee any right-of-way over the GL to the Site.
- (e) The Site does not fall within Shek Kong Airfield Height Restriction Area.
- (f) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions if there is any irregularities on site. Such application(s) 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(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by her department.

### **Traffic**

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

- (a) No heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, should be allowed to park or enter/exit the Site.
- (b) 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) The access arrangement should be commented by the Transport Department.
- (b) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (c) 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) He does not support the application as there are sensitive receivers of residential use in the vicinity (with the nearest one located to its immediate south) (**Plan A-2**), and environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (c) Should the planning application be approved, the applicant should also be advised to follow the relevant mitigation measures and requirements in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

**Drainage**

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

- (a) Based on the planning statement enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under the previous planning application.
- (b) In view of the above, he has no objection in principle to the proposed development. Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the existing drainage facilities and the submission of records of the existing

drainage facilities on site 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. The applicant should be advised on the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy.
  - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans.
- (c) However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.

### **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 by the Building Authority for the existing structure 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's attention is drawn to the following points:
  - (i) If the existing structures (not being a New Territories Exempted House) are erected on leased land without the approval of the BD, they are unauthorized building works (UBW) under the BO and should not be designated for any proposed use under the application.
  - (ii) For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO.

- (iii) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on the Site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
- (iv) The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively.
- (v) If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage.

### **Others**

#### 9.1.8 Comments of the Director of Electrical and Mechanical Services (DEMS):

- (a) He has no particular comment on the application from electricity supply safety aspect.
- (b) However, in the interests of public safety and ensuring the continuity of electricity supply, the parties concerned with planning, designing, organizing and supervising any activity near the underground cable or overhead line under the application should approach the electricity supplier (i.e. CLP Power) for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within and/or in the vicinity of the Site. They should also be reminded to observe the Electricity Supply Lines (Protection) Regulation and the “Code of Practice on Working near Electricity Supply Lines” established under the Regulation when carrying out works in the vicinity of the electricity supply lines.

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

- (a) CEDD and PlanD jointly commissioned the "Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) - Investigation" (the Study). According to the Recommended Outline Development Plan (RODP) of YLS promulgated on 8.8.2017, the subject site falls within an area zoned as “District Open Space” (“DO”), “Residential – Zone 1 (Subsidised Sale Flats with Commercial)” (“R1(SSF)c”) and 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.

9.1.10 Comments of Project Manager (West), Civil Engineering and Development Department (PM(W), CEDD):

He has no objection to the captioned temporary use for 3 years, which should be considered in accordance with the provisions of the current OZP and existing infrastructure capacities. However, the Site falls within the boundary of YLS Development. According to the Study, to ensure timely and orderly implementation, the development of YLS and relevant site formation and infrastructure works would be implemented in four stages. The lot(s) concerned falls within a site under Stage 2 Works. While the detailed implementation programme for the project is still being formulated, based on the Study, it is envisaged that clearance of the Site in question will not be arranged before the first population intake of the YLS Development expected in 2027.

**District Officer's Comments**

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

The local consultation was completed and his office has not received any comments 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 Agriculture, Fisheries and Conservation (DAFC);
- (b) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (c) Commissioner of Police (C of P).

**10. Public Comment Received During the Statutory Publication Period**

On 29.5.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 19.6.2018, two public comments were received from two organisations respectively (**Appendices IV-1 and IV-2**). One urges the Board not to allow storage of obscene exhibition materials while the other objects to the storage of leather bag on animal welfare ground.

## 11. Planning Considerations and Assessments

- 11.1 The subject application is for temporary warehouse for storage of exhibition materials at the Site zoned “U” on the OZP. The applied use is not in conflict with the planning intention of the “U” zone on the OZP which is generally intended to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. Whilst the Site falls within an area zoned as “DO”, “R1(SSF)c” and an area shown as ‘Road’ on the RODP of YLS promulgated on 8.8.2017, CE/CID of PlanD does not raise objection to the application and PM(W) of CEDD has no objection to the proposed temporary use for 3 years. Approval of the application on a temporary basis of 3 years would not jeopardize the long-term development of the area.
- 11.2 The subject “U” zone is mainly occupied by similar warehouse, open storage/storage yards and workshop uses (**Plan A-2**). As such, the development is not incompatible with the surrounding uses in the subject “U” zone.
- 11.3 There is no adverse comment on the application from concerned government departments, except DEP. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site, with the nearest one located to its immediate south (**Plan A-2**), and environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use or to address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorized development 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 relevant mitigation measures and requirements set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact, and to keep the Site clean and tidy at all times.
- 11.4 As the Committee has approved six similar uses covering the Site and 36 similar applications for warehouse uses in the vicinity of the Site, approval of the subject application is considered in line with the Committee’s previous decisions.
- 11.5 There are two public comments (**Appendices IV-1 and IV-2**) received during the statutory publication period as summarised in paragraph 10.

## 12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments as mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse for storage of exhibition materials 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 20.7.2021. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 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 repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is 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 existing trees and landscape planting on the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 20.10.2018;
- (i) 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 20.1.2019;
- (j) in relation to (i) 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 20.4.2019;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (l) if any of the above planning conditions (h), (i) or (j) 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; and

- (m) upon the expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

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 Members' reference:

the applicant fails to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas.

**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 received on 21.5.2018
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications in this part of the "U" zone on the OZP since the Promulgation of TPB PG-NO. 13E
<b>Appendices IV-1 and IV-2</b>	Public Comments received during Statutory Publication Period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Drawing A-2</b>	Tree Preservation Plan
<b>Drawing A-3</b>	As-Built Drainage Plan
<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  
JULY 2018**