

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/884

<u>Applicant</u>	: Luen Shun Property Company Limited represented by Metro Planning and Development Company Limited
<u>Site</u>	: Lots 1483 S.A RP and 1483 S.B RP in D.D. 119 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories
<u>Site Area</u>	: 1,430 m ² (about) (including 75m ² of Government land)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/11
<u>Zoning</u>	: “Undetermined” (“U”)
<u>Application</u>	: Proposed Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for the proposed temporary warehouse for storage of machinery and spare parts for a period of 3 years (**Plan A-1a**). There is currently a vacant structure on the Site (**Plans A-2, A-4a to A-4c**).
- 1.2 The Site is the subject of 3 previous applications (No. A/YL-TYST/42, 702 and 862) (**Plan A-1b**) for temporary open storage and warehouse uses which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board). The last application (No. A/YL-TYST/862) for the same use as the current application was approved with conditions by the Committee for a period of 3 years on 8.12.2017. Details of these previous applications are at paragraph 5 below and **Appendix II**.
- 1.3 The Site is accessible from Kung Um Road to its east via the ingress/egress at the eastern boundary of the Site (**Drawing A-1** and **Plan A-2**). According to the applicant, the current application is submitted due to some modifications of the existing structures at the Site. Same as the last application, the proposed development is for storage of brand new sewing machines, home appliances and associated spare parts within the warehouse structure. The applicant undertakes that there will be no repairing, dismantling, spraying and workshop uses to be

carried out at the Site. Plans showing the site layout, landscape and tree preservation proposals and as-built drainage plan submitted by the applicant are shown in **Drawings A-1 to A-3** respectively. Compared with the last application, the current application is submitted by the same applicant with the same use on the same site with similar layout but different development parameters.

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

Major Development Parameters	Previously Approved Application No. A/YL-TYST/862 (a)	Current Application No. A/YL-TYST/884 (b)	Difference (b)-(a)
Applied Use	Proposed Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years		---
Site Area	About 1,430m ² (including 75m ² of Government land)		---
Total Floor Area (Non-domestic)	About 934m ²	About 902m ²	-32 m ²
No. of Structures	3 (for warehouse, toilet, and pump room and water tank uses)	6 (for warehouse, toilet, and pump room and water tank uses)	+3
Height of Structure	3m to 7m (1 storey)		---
Parking Space(s)	1 (for LGV)		---
Loading/ Unloading Space(s)	Nil		---
Operation Hours	9:00 a.m. and 7:00 p.m. Mondays to Saturdays, with no operations on Sundays and public holidays		---

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

- (a) Application Form received on 15.2.2018 **(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 current application has the same applied use as the previous planning permissions (No. A/YL-TYST/702 and 862) and the Site was occupied for the storage use since 2014. The operation of the development in the previous application demonstrated that the actual impact is minimal to the surrounding environment.

- (b) All the approval conditions imposed on the previous planning permission (No. A/YL-TYST/702), including those in relation to drainage, run-in/out, landscaping and tree preservation and fire safety aspects, had been complied with. Moreover, the applicant has submitted a condition record of existing drainage facilities to comply with the relevant approval condition of the last application (No. A/YL-TYST/862). These show that the applicant is a sincere and consciousness person in complying with the approval conditions. The Board should therefore positively award the efforts of the applicant and to grant another 3 years of approval to the current application.
- (c) According to the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13E), the Site falls within Category 1 area which is considered suitable for open storage and port back-up uses. The Site is subject to one previous planning permission since 2014. Preliminary technical assessments on traffic, drainage, visual and environmental aspects are provided in the submission to demonstrate that the development would not generate adverse impacts on the surrounding areas. It is considered that the development should have fulfilled the guidelines to a large extent and should be given favorable consideration by the Board.
- (d) The Site is zoned “U” on the OZP and the 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. The proposed development fulfills the planning intention, as the machinery and spare parts to be stored at the Site is heavy and not convenient to be stored at multi-storey godown premises.
- (e) There is a shortage of land for open storage use in Tong Yan San Tsuen because the 4.75 ha “Open Storage” (“OS”) zone is already fully occupied. The “U” zone where the Site falls within is considered in general satisfactory for open storage use as revealed by the study commissioned by the Government in 1994.
- (f) The proposed development is compatible with the surrounding environment. The “U” zone where the Site falls within is mainly filled with open storage, warehouse and vehicle repair workshop uses, including approved applications No. A/YL-TYST/747, 813 and 830 which are located in the vicinity of the Site. The proposed development is very similar to these approved uses, and The Board’s earlier decisions reflect that the applied use may be tolerated provided that adequate mitigation measures are proposed to minimize degradation of the surrounding environment.
- (g) The Site is solely for storage of machinery and spare parts with a development area of only 1,430m². There will be insignificant traffic, environmental and drainage impacts. Based on the traffic generation/attraction estimation, it is anticipated that the proposed development would not generate significant amount of traffic and the negligible increase in traffic would not aggravate the traffic condition of Kung Um Road and nearby road networks. Besides, a number of environmental mitigation measures are proposed. The applicant would also follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” where applicable. Moreover, implementation of drainage proposal had been accepted under the previous planning permission (No. A/YL-TYST/702). Also, the applicant has submitted a

condition record of existing drainage facilities for the previous permission (No. A/YL-TYST/862). All the drainage facilities would be provided and maintained by the applicant at his own expense.

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 Site is currently not subject to planning enforcement action.

5. **Previous Applications**

- 5.1 The Site was involved in 3 previous applications (No. A/YL-TYST/42, 702 and 862) for temporary open storage and warehouse uses. Details of the applications are summarized in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TYST/42 for proposed open storage of construction materials and Applications No. A/YL-TYST/702 and 862 for proposed temporary warehouse for storage of machinery and spare parts for a period of 3 years were approved by the Committee on 14.8.1998, 12.12.2014 and 8.12.2017 respectively. The planning permission under the last application (No. A/YL-TYST/862) is valid up to 8.12.2020.
- 5.3 Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with similar layout but different development parameters.

6. **Similar Applications**

- 6.1 A total of 33 similar applications 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 33 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, 7 were revoked due to non-compliance with approval conditions.

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

7.1 The Site is:

- (a) accessible from Kung Um Road to its east via an ingress/egress provided at the eastern boundary of the Site (**Plan A-2**);
- (b) elongated in shape, hard paved and fenced off with corrugated metal sheets; and
- (c) currently vacant with a structure occupying the western part of the Site.

7.2 The surrounding areas have the following characteristics:

- (a) predominately open storage/storage yards, warehouses and vehicle repair workshops, intermixed with a chicken shed, a guard house, scattered residential structures, fallow agricultural land and vacant structures;
- (b) scattered residential structures are found in the vicinity of the Site with the nearest one to its immediate south;
- (c) there are open storage and vehicle repair workshop uses located to the northwest of the Site, and three warehouse uses located to the south of the Site, which are operated with planning permissions under Applications No. A/YL-TYST/818, 830, 770, 800 and 813 respectively;
- (d) there are an open storage yard and vehicle repair workshops to its north, northeast and southeast respectively which are “existing uses” tolerated under the Town Planning Ordinance;
- (e) there are residential structures in the two “Village Type Development” (“V”) zones located to the north (about 75m) and across Kung Um Road/Kiu Hing Road and the nullah to the east (about 30m); and
- (f) except those having valid planning permissions or being “existing uses”, other open storage/storage yards, warehouses and workshops in its vicinity are mostly 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 consists of Old Schedule Agricultural 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 Nos. 1483 S.A RP and 1483 S.B RP in D.D.119 are covered by Short Term Waiver (STW) No. 4567 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Machinery and Spare Parts”.
- (c) The Government land (GL) within the Site is covered by Short Term Tenancy (STT) No. 3001 for the purpose of “Temporary Warehouse for Storage of Machinery and Spare Parts”.
- (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.
- (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 holders will need to apply to her office for modification of the STW/STT if there is any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord 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 LandsD.

Traffic

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

The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, vehicle 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 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) He has no objection in principle to the proposed development.
- (b) Based on the submission enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under previous Application No. A/YL-TYST/702.
- (c) 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 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) There is no record of approval by the Building Authority for the structures existing at the Site and BD is not in a position to offer comments on their suitability for the use related to the application.
- (b) The applicant's attention is drawn to the following points:
 - (iii) 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.
 - (iv) 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 any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
 - (v) Before any new building works (including containers/open sheds as temporary buildings and land filling) are to be carried out on application site, prior approval and consent of the BD should be obtained, otherwise they are UBW. An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO.
 - (vi) 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 respectively.
 - (vii) 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 the Building (Planning) Regulation 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 Site falls within an area zoned as “District Open Space” (“DO”) 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. As regard the implementation programme of YLS, we would leave it for CEDD to advise.

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 on 16.3.2018 and his office has not received any comments, from the village representatives in the vicinity regarding the application.

9.2 The following Government department has no comment to 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 23.2.2018, the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 16.3.2018, no public comment was received.

11. Planning Considerations and Assessments

11.1 The subject application is for proposed temporary warehouse for storage of machinery and spare parts at a 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" 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 proposed 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 and the technical concerns 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 “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 3 previous applications for similar uses covering the Site and 33 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 is no public comment received on the application during the statutory publication period.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11, the Planning Department considers that the proposed temporary warehouse for storage of machinery and spare parts 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 6.4.2021. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:00p.m. and 9:00a.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, spraying, cleansing or workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no open storage activities is allowed on the Site 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 and landscape plantings within 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 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 6.7.2018;
- (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 6.10.2018;
- (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 6.1.2019;
- (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 IV**.

- 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

Appendix I	Application Form received on 15.2.2018
Appendix Ia	Supplementary Planning Statement
Appendix II	Previous Applications Covering the Application Site
Appendix III	Similar Applications in this Part of the “U” Zone on the Tong Yan San Tsuen OZP since the Promulgation of TPB PG-No. 13E
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	Proposed Landscape & Tree Preservation Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A4-c	Site Photos

**PLANNING DEPARTMENT
APRIL 2018**