

APPLICATION FOR RENEWAL PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/650

- Applicant** : Maxhero Limited
- Site** : Lots 763 RP, 764, 765, 766, 767, 768, 771 & 772 S.B. in D.D.122, East of Yung Yuen Road, Ping Shan, Yuen Long, New Territories
- Site Area** : About 7,075 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/19
- Zoning** : “Comprehensive Development Area” (“CDA”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]
- Application** : Renewal of Planning Approval for Temporary Warehouse (Storage of Used and New Construction Materials and Equipment) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary warehouse (storage of used and new construction materials and equipment) for a period of 3 years (**Plan A-1a**). The applied use is neither a Column 1 nor Column 2 use under the “CDA” zone. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the zone 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. The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-PS/577 (**Plans A-2 and A-4**).
- 1.2 The Site involves in 8 previous applications (No. A/YL-PS/33, 47, 79, 82, 393, 513, 577 and 642) (**Plan A-1b**) for temporary vehicle park and open storage of unregistered cars, residential development, temporary open storage of construction materials and temporary warehouse. The last

application No. A/YL-PS/577 related to the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of 3 years on 21.12.2018. All the time-limited approval conditions under the planning permission had been complied with and the planning permission is valid until 19.2.2022.

- 1.3 According to the applicant, the Site is accessible via Yung Yuen Road (**Plan A-2**). The layout and floor plans and section drawing are at **Drawings A-1** and **A-2** respectively.
- 1.4 Compared with the last approved application, the proposal and development parameters of the current application are the same, as shown in the table below:

Major Development Parameters	Last Approved Application (A/YL-PS/577)	Current Application (A/YL-PS/650)
Applied Use	Temporary Warehouse (Storage of Used and New Construction Materials and Equipment)	
Site Area	About 7,075 m ²	
Total Floor Area	Not more than 1,235 m ²	
No. of structures	6 structures (5 warehouses, 1 ancillary structure)	
Height of structures	About 6m (1 storey)	
No. of private car parking spaces	2	
Loading/unloading spaces	3 (for light goods vehicles)	
Operation Hours	9 a.m. to 5 p.m. from Mondays to Saturdays (no operation on Sundays and public holidays)	

- 1.5 In support of the application, the applicant has submitted the following document:
- (a) Application form with attachments received on 6.12.2021 and Supplementary Information received on 10.12.2021 (**Appendix I**)
- (b) Further Information (FI) received on 6.1.2022 (**Appendix Ia**)
- (c) FI received on 7.1.2022 (**Appendix Ib**)
- [(b) and (c) were exempted from publication and recounting requirements]*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendix I**. They can be summarised as follows:

- (a) The temporary warehouse development would provide places for material storage and facilitate the building development in Yuen Long and its surrounding areas.
- (b) The renewal of the planning permission would enable the applicant to provide continual support for construction activities.
- (c) The actual duration of storage operation in the Site is short as the applicant spent most of the time to tackle the technical problem in the development. Therefore, this application is submitted to fully utilize the development.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information will be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in 8 previous applications (No. A/YL-PS/33, 47, 79, 82, 393, 513, 577 and 642) covering different extent of the Site, of which 6 of them are for temporary warehouses, open storage and vehicle park; and the remaining 2 are for permanent residential developments. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

Rejected Applications

- 6.2 Among the 6 applications for temporary development, 3 of them were for temporary vehicle park and open storage uses (No. A/YL-PS/33, 79 and 82) and rejected by the Committee and the Board upon review between 1998 and 2001. The main considerations included failure to demonstrate no adverse impacts, incompatible with the surrounding land uses, and/or setting undesirable precedent.

Approved Applications

- 6.3 Applications No. A/YL-PS/393, 513 and 577 for proposed temporary warehouse for a period of 3 years were approved with conditions by the Committee between 2013 and 2018 on considerations of not frustrating the long-term planning intention of the “CDA” zone; not incompatible with the surrounding land uses; and no adverse environmental, drainage, traffic and landscape impacts. However, the planning permission for application No. A/YL-PS/393 was revoked on 15.12.2013 due to non-compliance of approval conditions. For the last application No. A/YL-PS/ 577, all the approval conditions have been complied with and the permission is valid until 19.2.2022.
- 6.4 Compared with the last approved application (No. A/YL-PS/577), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters.

Applications for permanent uses

- 6.5 Details of the remaining 2 applications for permanent residential developments (**Plan A-1b**) are at **Appendix III**.

7. Similar Applications

- 7.1 There are three similar applications (No. A/YL-PS/482, 573 and 646) at one site for temporary warehouse for a period of 3 years within the adjacent “CDA” zone. Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 All of these three similar applications were approved with conditions by the Committee between 2015 and 2021 on considerations that the temporary use would not jeopardise the long-term planning intention of the “CDA” zone, not incompatible with the surrounding land uses and unlikely to create significant adverse traffic, environmental, drainage and visual impacts on the surrounding areas.

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

- 8.1 The Site is:
- (a) currently occupied by the applied use with valid planning permission;
 - (b) paved and fenced off (**Plan A-4**); and
 - (c) accessible via Yung Yuen Road.
- 8.2 The surrounding areas have the following characteristics:
- (a) to the north and northeast are residential dwellings, plant nursery and

brownfield operations, and some of them are suspected unauthorised developments (UDs);

- (b) to the east and southeast are residential dwellings and vacant land;
- (c) to the south and south-west are a soy sauce factory, graves, residential dwellings and brownfield operations which are suspected UD; and
- (d) to the west and northwest across Yung Yuen Road are residential dwellings, graves and a latrine and brownfield operations which involved suspected UD.

9. Planning Intention

The planning intention of “CDA” zone is for comprehensive development/redevelopment of the area for residential use with commercial, open space and other supporting facilities. The zoning is to facilitate appropriate planning control over the development mix, scale, design and layout of development, taking account of various environmental, traffic, infrastructure and other constraints.

10. Comments from Relevant Government Departments

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

Land Administration

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

- (a) The Site comprises 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 Nos. 763 RP, 764, 765, 766, 768, 771 and 772 S.B in D.D. 122 within the Site are covered by Short Term Waiver (STW) No. 4855 to permit structures erected thereon for the purpose of “temporary warehouse (storage of used and new construction materials and equipment)”.
- (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 the 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 LandsD 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 LandsD.

Traffic

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

- (a) He has no objection in principle to the renewal application.
- (b) No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period.
- (c) The applicant should note his detailed comments at **Appendix VI**.

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

- (a) Adequate drainage measures should be provided to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Environment

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

- (a) He noted that only loading/unloading spaces for light goods vehicles will be provided at the Site. In this connection, he has no objection to the application.
- (b) According to his record, there is no complaint case related to the Site in the past three years.
- (c) Should the application be approved, the applicant will be advised to follow the relevant mitigation measures and requirements in the latest "Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites" ("COP").

Landscape

10.1.5 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

According to the aerial photo of 2021 and the site photos (**Plan A-4**), the Site is hard paved with temporary structures in operation with existing trees along northern and southern boundaries within the Site. The Site is situated in an area of miscellaneous rural fringe landscape character predominated by open storage yards, temporary structures, tree groups and woodlands. The applied use is considered not incompatible to the landscape character of the surrounding area. Further significant landscape impact on existing landscape resources within the Site arising from the applied use is not anticipated, she has no objection to the application from the landscape planning perspective.

Drainage

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

- (a) According to the applicant's submission, the existing drainage facilities which was implemented under an approved application No. A/YL-PS/577 will be maintained for the subject development. He has no objection in principle to the proposed development from a drainage point of view. Should the Board consider that the application is acceptable from the planning point of view, he would suggest that a condition should be stipulated in the approval letter requiring the applicant to maintain the existing drainage facilities and submit condition record of the existing drainage facilities to the satisfaction of his Division.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Fire Safety

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

- (a) The submitted fire service installations (FSIs) is considered acceptable. He has no objection in principle to the proposal subject to FSIs being provided to his satisfaction.
- (b) The applicant should note his detailed comments at **Appendix VI**.

Building Matters

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

A temporary occupation permit No. NT 3/2018 was issued on

22.8.2018 and valid till 19.2.2019 which had been extended until 19.2.2022 for the subject premises.

District Officer's Comments

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

His office has not received any feedback from locals.

10.2 The following Departments have no comment on the application:

- (a) Commissioner of Police (C of P);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD) ; and
- (d) Project Manager (West) (PM(W)), CEDD

11. Public Comment Received During the Statutory Publication Period

On 14.12.2021, the application was published for public inspection. During the statutory public inspection period, two objecting public comments from the Village Representative of Wing Ning Tsuen and an individual were received (**Appendices V-1 and V-2**) on grounds that the applied use is not in line with the current use of the Site, and would have adverse traffic, environmental and fire safety impacts.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of the planning approval for temporary warehouse (storage of used and new construction materials) for a period of 3 years. Whilst the applied use is not entirely in line with the planning intention of "CDA" zone which is intended for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities, there is no approved implementation proposal concerning the subject "CDA" zone. Approval of the application on a temporary basis for 3 years would not jeopardise the long-term planning intention of the "CDA" zone.
- 12.2 The Site is mainly surrounded by brownfield operations, residential dwellings and plant nursery (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that there is no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/577, the applicant has complied with all the approval conditions, and the 3-year approval period sought is of the same time frame as the previous approval.
- 12.4 Relevant Government departments, including C for T, CE/MN of DSD, DEP,

D of FS and CTP/UD&L of PlanD, have no objection to or adverse comment on the application. The proposed development will unlikely create significant adverse traffic, drainage, environmental, fire safety and landscape impacts on the surrounding areas. To minimise any potential environmental nuisances and to address the technical requirements of concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the planning application be approved, the applicant will be advised to follow the latest “COP” in order to minimise the possible environmental impacts on the nearby sensitive receivers.

- 12.5 The Committee has approved two previous applications for the same use at the Site and three similar applications for temporary warehouse use in the adjacent “CDA” zone (**Plan A-1a**). Approval of the application is in line with the Committee’s previous decisions.
- 12.6 There are two public comments received during the statutory publication period objecting to the application as summarised in paragraph 11 above. The planning considerations and assessments in the paragraphs 12.1 to 12.5 are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessment made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the temporary warehouse (storage of used and new construction materials and equipment) could be tolerated for a further period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years, and be renewed from 20.2.2022 to 19.2.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) only private cars and light goods vehicles as defined in the Road Traffic Ordinance is allowed to enter/be parked on the Site at any time during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing fencing of the Site shall be maintained at all time during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (e) the submission of condition record of the existing drainage facilities within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.5.2022**;
- (f) the implementation of the accepted fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of ~~Drainage~~ **Fire** Services or of the Town Planning Board by **20.8.2022**;
- (g) if any of the above planning conditions (a), (b), (c) or (d) 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
- (h) if any of the planning conditions (e) or (f) 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.

[Approval conditions (a) to (d) are the same as the previous application No. A/YL-PS/577, conditions (e) and (f) have been revised to accord with the latest departmental comments, restriction on certain on-site activities, posting of notice on restriction of vehicle types and the landscape condition have been removed as per the latest requirements.]

Advisory clauses

The recommended advisory clauses are attached at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the continual occupation of the Site for the applied use is not in line with the planning intention of the "CDA" zone which is intended for comprehensive development/redevelopment of the area for residential use with the provision of commercial, open space and other supporting facilities. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application,

Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form and supplementary information
Appendix Ia	FI received on 6.1.2022
Appendix Ib	FI received on 7.1.2022
Appendix II	Relevant extracts of Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use of Development (TPB-PG No. 34D)
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V-1 to V-2	Public Comments
Appendix VI	Advisory Clauses
Drawing A-1	Layout Plan and Floor Plans
Drawing A-2	Section 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**