

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/722

<u>Applicant</u>	: Mr. SIU Chiu On
<u>Site</u>	: Lot 107 RP in D.D. 121, Ping Shan, Yuen Long
<u>Site Area</u>	: About 720 m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
<u>Zoning</u>	: “Residential (Group B)1” (“R(B)1”) (about 99.6%); and <i>[Restricted to a maximum plot ratio of 1; a maximum site coverage 40%; and a maximum building height of 5 storeys (15m) including car park]</i> Area shown as ‘Road’ (about 0.4%) ¹
<u>Application</u>	: Proposed Temporary Warehouse (Air Conditioner for Recycling) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (air conditioner for recycling) for a period of three years at the application site (the Site) zoned “R(B)1” on the OZP (**Plan A-1a**). According to the 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 Board. The Site is currently formed and largely vacant (**Plans A-3 and A-4**).
- 1.2 The Site is accessible via a local track leading from Ping Pak Lane and the ingress/egress is at the southeast of the Site. (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the application is to facilitate the relocation of his existing warehouse affected by the land resumption and clearance exercise under the Yuen Long South (YLS) Development Phase 1. Thus, there is an imminent need for the applicant to secure a relocation site to continue his affected operation. Both the site area in the current application (i.e. 720m²) and the covered

¹ The minor encroachment onto the area shown as ‘Road’ would be considered as minor boundary adjustment as permitted under the covering Notes of the OZP.

operational area (i.e. about 63 m²) are larger than those of its current operation (i.e. about 300 m² and about 15 m² respectively) due to operational need and the need for vehicular manoeuvring space. The Site will be used for storage of repaired air conditioners in three container structures. A rain shelter will also be provided at the Site. No washing, repairing, dismantling or other workshop activity will be carried out at the Site. Two parking spaces (for private car and van type light goods vehicle each) are provided and also used as loading/unloading spaces. The operation hours are from 8 a.m. to 6 p.m. daily (excluding Sundays and public holidays). The location plan and proposed layout plan with vehicular access submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The major development parameters of the current application are summarised as follows:

Applied Use	Proposed Temporary Warehouse (Air Conditioner for Recycling) for a Period of 3 Years
Site Area	about 720 m ²
Total Floor Area	about 63 m ²
No. of Structures	4 (for warehouses and rain shelter)
Height of Structures	2.5m (1 storey)
No. of parking spaces and loading/unloading spaces	2 (for private car and van type light goods vehicle)
Operation Hours	8:00 a.m. to 6:00 p.m. from Mondays to Saturdays (no operation on Sundays and public holidays)

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

- (a) Application Form with attachments received on 7.6.2024 **(Appendix I)**
 - (b) Further Information (FI) received on 21.8.2024* **(Appendix Ia)**
 - (c) FI received on 26.9.2024* **(Appendix Ib)**
 - (d) FI received on 30.9.2024* **(Appendix Ic)**
- *accepted and exempted from publication and recounting requirements*

- 1.5 On 2.8.2024, the Committee agreed to the applicant's request to defer making a decision on the application for two months.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in

the Application Form and FI at **Appendices I to Ic**. They can be summarised as follows:

- (a) The application is to relocate an existing warehouse operation affected by the YLS Development Phase 1 and the applicant has conducted a site search process to identify suitable site for the relocation of the affected operation.
- (b) The proposed use is compatible with the surrounding areas. No permanent structure will be erected and there will be no workshop activities conducted within the Site. No significant environmental impact is anticipated.
- (c) The proposed use is on a temporary basis which would not frustrate the long-term planning intention of the area.
- (d) The proposed use does not involve open storage use and sufficient manoeuvring space will be provided within the Site.
- (e) Should the application be approved, the applicant pledges to follow the technical and administrative requirements imposed by relevant departments in order to minimise potential impacts on the surrounding areas.

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. 31B) by obtaining consents of all current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in four previous applications (No. A/YL-PS/118, 380, 434 and 462). Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1**.

Approved Applications

- 5.2 Applications No. A/YL-PS/380 and 462 for temporary vehicle park for private cars with/without light goods vehicles for a period of three years were approved by Rural and New Town Planning Committee (the Committee) of the Board in 2012 and 2014 respectively. The considerations are not relevant to the current application which involves a different use.

Rejected Applications

- 5.3 Applications No. A/YL-PS/118 and 434 for temporary vehicle park with/without open storage of vehicles were rejected by the Committee or by the Board upon review in 2002 and 2014 respectively. The considerations are not relevant to the current application which involves a different use.

6. Similar Application

There is no similar application within the same “R(B)1” zone in the past five years.

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

7.1 The Site is:

- (a) currently formed and largely vacant (**Plan A-4**); and
- (b) accessible via a local track leading from Ping Pak Lane (**Drawing A-1, Plans A-2 and A-3**).

7.2 The surrounding areas comprise predominantly open storage yards, vehicle parks, workshops, shop and services, vacant land intermixed with residential dwellings and temporary structures. The shop and services, parking of vehicles and some of the open storage uses are covered with valid planning permissions while some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action.

8. Planning Intention

The “R(B)1” zone is intended primarily for sub-urban medium-density residential developments in rural areas where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau as set out in paragraph 9.2 below, other departments consulted have no objection to/no adverse comment on the application. Their general comments and advisory comments are provided in **Appendices III and IV** respectively.

9.2 The following government bureau supports the application:

Policy Support

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a business operation for warehouse in Yuen Long, which will be affected by the Yuen Long

South First Phase Development (the project);

- (b) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere to pave way for the clearance under the project, and the Site under the current application is the most suitable relocation site. The applicant also claims that due to operation needs, the size of the Site is larger than its current site to be cleared by the Government; and
- (c) in view of the above and subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10. Public Comment Received During Statutory Publication Period

On 14.6.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix V**) concerning the non-compliance of approval conditions of the previous approval and the planning enforcement action undertaken at the Site.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (air conditioner for recycling) for a period of three years at the Site zoned “R(B)1” on the OZP. Although the proposed use is not in line with the planning intention of the “R(B)1” zone, according to the applicant, the application is to facilitate the relocation of business operation affected by the YLS Development Phase 1. The applicant has undergone a site selection process before identifying the Site as the most suitable relocation site. The Site is located in proximity to the current operation. While the size of the Site (i.e. 720m²) is larger than that of its current operation (i.e. about 300 m²), according to the applicant, such increase in site area is considered necessary due to operational needs. To facilitate smooth clearance for the YLS Development and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from policy perspective. Besides, there is also no known development proposal at the Site for the time being. Approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the “R(B)1” zone.
- 11.2 The Site is mainly surrounded by open storage yards, vehicle parks, workshops, shop and services, vacant land intermixed with residential dwellings and temporary structures (**Plan A-2**). The proposed use is not incompatible with the surrounding land uses.
- 11.3 Relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department,

Director of Environmental Protection and Director of Fire Services have no objection to/no adverse comment on the application from traffic, drainage, environmental and fire safety perspectives respectively. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other concerned government departments. Any non-compliance with these approval conditions would result in revocation of the planning permission and UD on-site would be subject to planning enforcement action. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise possible environmental nuisance on the surrounding areas.

- 11.4 There is one public comment received during the statutory publication period as mentioned in paragraph 10 above. Regarding the previously approved applications at the Site, they were submitted by a different applicant for a different use. The planning considerations and assessments in paragraphs 11.1 to 11.3 above are also relevant.

12. Planning Department’s Views

- 12.1 Based on the assessment made in paragraph 11 and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the proposed use could be tolerated for a period of three 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 three years until **4.10.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 **4.4.2025**;
- (b) in relation to (a) 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 **4.7.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a fire service installations proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.4.2025**;
- (e) in relation to condition (d) above, the implementation of the fire service installations proposal within **9** months from the date of the planning

approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **4.7.2025**;

- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 attached 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 proposed use is not in line with the planning intention of the "R(B)1" zone, which is primarily for sub-urban medium-density residential development. No strong planning justification has been given in the submission for 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

Appendix I	Application Form received on 7.6.2024
Appendix Ia	FI received on 21.8.2024
Appendix Ib	FI received on 26.9.2024
Appendix Ic	FI received on 30.9.2024
Appendix II	Previous Applications
Appendix III	Government Departments General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan
Drawing A-2	Proposed Layout Plan with Vehicular Access

Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**