

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

**APPLICATION NO. A/YL-PS/732**

<b><u>Applicant</u></b>	: Mr. Kwong Cherk Wing represented by KTA Planning Limited
<b><u>Site</u></b>	: Lots 139 (Part), 140 (Part), 141 (Part), 145 (Part), 146, 147, 148 (Part), 149 (Part), 151, 152, 155 (Part), 159, 160 (Part), 164 (Part), 165 (Part), 166 (Part), 167, 168 (Part), 169, 170, 177, 178 (Part) and 179 (Part) in D.D. 122 and Adjoining Government Land (GL), Ping Shan, Yuen Long
<b><u>Site Area</u></b>	: About 14,135 m <sup>2</sup> (including GL of about 590 m <sup>2</sup> (about 4.2%))
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
<b><u>Zoning</u></b>	: “Comprehensive Development Area” (“CDA”) <i>[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park]</i>
<b><u>Application</u></b>	: Renewal of Planning Approval for Temporary Warehouse (Storage of Daily Necessities) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary warehouse (storage of daily necessities) for a period of three years at the application site (the Site) (**Plan A-1a**) zoned “CDA” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-PS/646 until 12.11.2024 (**Plans A-1a and A-4**).
- 1.2 The Site is accessible via a local track leading to Yung Yuen Road with ingress and egress located at the northern part of the Site (**Drawings A-1 and A-2, and Plans A-2 and A-3**). According to the applicant, the applied use is for a warehouse mainly for storage of daily necessities such as clothes and toys. Seven one to two-storey structures (not exceeding 2.5m to 10m in height) with

a total floor area of 11,409m<sup>2</sup> are erected at the Site for warehouses, guard room, site office, water tank, pump room and toilet. Four parking spaces for private cars, two loading/unloading (L/UL) spaces for medium/heavy goods vehicles, and four L/UL spaces for container trailers/tractors are provided. No repairing, dismantling or other workshop activity will be carried out at the Site. No vehicle without valid licences issued under Road Traffic Ordinance is permitted to park at the Site. The operation hours are 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays and there will be no operation on Sundays and public holidays. The layout plan with vehicular access, landscape plan and drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in nine previous applications including three applications for warehouse use which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-PS/646), the current application is submitted by the same applicant for the same use on the same site with the same development parameters, layout and operation hours.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application form with attachments received on 30.8.2024 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 9.9.2024 (**Appendix Ia**)
  - (c) Further Information (FI) received on 10.10.2024 (**Appendix Ib**)  
(Accepted and 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 the Application Form, SI and FI at **Appendices I to Ib**. They can be summarised as follows:

- (a) The Site is previously granted with planning permission for the same use and there has been no major change in planning circumstances since the last approval.
- (b) The current application has the same use, development parameters, layout and operation hours as the last application No. A/YL-PS/694, and all approval conditions imposed under the last planning permission had been complied with.
- (c) The current application conforms to 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).
- (d) The applied use is not incompatible with the surrounding land uses and the temporary nature will not jeopardise the long term planning intention of the

“CDA” zone.

- (e) The applied use would generate insignificant traffic, environmental and drainage impacts to its surrounding and the drainage facilities and fire services installations at the Site are well-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 Section 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to the Ping Shan Rural Committee by registered mail. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under the TPB PG-No. 31B are not applicable.

### **4. Town Planning Board Guidelines**

The TPB PG-No. 34D is relevant to this application. The relevant assessment criteria are attached at **Appendix II**.

### **5. Background**

The Site is not subject to any planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site, in whole or in part, was the subject of nine previous applications (No. A/YL-PS/55, 80, 126, 160, 169, 228, 482, 573 and 646) for temporary vehicle parks and temporary warehouse uses. Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

#### Approved Applications

- 6.2 Applications No. A/YL-PS/55 and 80 for temporary vehicle park for container vehicles, lorries and cars for a period of two and three years respectively were approved by the Committee in 1999 and 2000 respectively when the Site was zoned “Undetermined” (“U”)<sup>1</sup>. The considerations are not relevant to the current application which involves a different use and under a different zoning.
- 6.3 Applications No. A/YL-PS/482, 573 and 646 for temporary warehouse (storage of electronic products and/or daily necessities) for a period of three years were approved with conditions by the Committee between 2015 and 2021 mainly on the considerations that the applied use would not jeopardise the long-term planning intention; not incompatible with the surrounding land uses; and significant adverse traffic, environmental, drainage and visual impacts on the

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<sup>1</sup> The Site was previously zoned “U” from 1996 to 2010 before it was rezoned to “CDA” in 2010.

surrounding areas would unlikely be created.

- 6.4 All the time-limited approval conditions of the last approved application (No. A/YL-PS/646) have been complied with and the planning permission is valid until 12.11.2024.

#### Rejected Applications

- 6.5 Applications No. A/YL-PS/126, 160, 169 and 228 for temporary vehicle parks for various types of vehicles with/without ancillary repairing activities were rejected by the Committee or upon review by the Board or dismissed by the Town Planning Appeal Board between 2002 and 2008 when the Site was zoned “U”<sup>1</sup>. The considerations are not relevant to the current application which involves a different use and under a different zoning.

### **7. Similar Application**

There is no similar application within the same “CDA” zone in the past five years.

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

- 8.1 The Site is:

- (a) hard-paved, fenced off and currently occupied by the applied use with valid planning permission; and
- (b) accessible via local track leading to Yung Yuen Road (**Drawing A-1, Plans A-2 and A-3**).

- 8.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly vehicle parks, logistic centre, warehouses, plant nursery, canteen, factory and open storage yards intermixed with unused land, grave and residential dwellings. Some parking of vehicles uses and a logistic centre are covered with valid planning permissions while some of the uses are suspected unauthorized developments (UDs) subject to planning enforcement action; and
- (b) to the south is Long Tin Road and to the further north is the Mass Transit Railway Tuen Ma Line Viaduct.

### **9. Planning Intention**

The planning intention of “CDA” zone is intended 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 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices V and VI** respectively.

10.2 The following government department does not support the application:

### **Environment**

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

- (a) he does not support the application according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“COP”) as the development involves traffic of heavy vehicles, and there are sensitive users (residential dwellings) in the vicinity. Environmental nuisance is expected;
- (b) no environmental complaint concerning the Site has been received in the past three years; and
- (c) should the application be approved, the applicant shall be advised to follow the relevant mitigation measures and requirements in the latest COP.

## **11. Public Comment Received During Statutory Publication Period**

On 10.9.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of the planning approval for temporary warehouse for storage of daily necessities for a period of three years. Although the applied use is not in line with the planning intention of the “CDA” zone, there is no known development proposal at the Site. Furthermore, the Site falls within the study area of the potential public housing development at Ping Shan North (PSN). In this regard, Project Team Leader/Housing, Civil Engineering and Development Department (PTL/H, CEDD) advises that should the application be approved, an advisory clause could should be included to remind the applicant that the Site may be resumed for the implementation of the potential public housing development at PSN. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term development of the area.

12.2 The Site is mainly surrounded by vehicle parks, logistic centre, warehouses, plant nursery, canteen, factory and open storage yards intermixed with unused land,

grave and residential dwellings (**Plan A-2**). The applied use is considered not incompatible with the surrounding land uses.

- 12.3 The application complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-PS/646; adverse planning implications arising from the renewal of the planning approval are not envisaged; all the time-limited conditions under previous approval have been complied with; and the three-year approval period sought is the same timeframe as the previous approval and is considered reasonable.
- 12.4 Concerned government departments including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from traffic, fire safety and drainage perspectives respectively. DEP does not support the application as the Site would involve heavy vehicles and there are sensitive receivers to the immediate north of the Site and thus environmental nuisance is expected. Nonetheless, no substantiated environmental complaint concerning the Site has been received in the past three years. Should the planning application be approved, the applicant will also be advised to follow the latest “COP” to minimise possible environmental nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments.
- 12.5 The Committee has approved three previous applications for the same use at the Site between 2015 and 2021. Approval of the current application is in line with the Committee’s previous decisions.

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

- 13.1 Based on the assessment made in paragraph 12, the Planning Department considers that the temporary warehouse for storage daily necessities could be tolerated for a further period of three 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 three years and be renewed from **13.11.2024** to **12.11.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) the submission of a condition record of the existing drainage facilities within **3** months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **13.2.2025**;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;

- (c) if the above planning condition (b) 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
- (d) if the above planning condition (a) 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 V**.

- 13.3 There is no strong reason to recommend rejection of the application.

**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**

<b>Appendix I</b>	Application form received on 30.8.2024
<b>Appendix Ia</b>	SI received on 9.9.2024
<b>Appendix Ib</b>	FI received on 9.10.2024
<b>Appendix II</b>	Relevant extract of TPB PG-No. 34D
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Layout Plan with vehicular access
<b>Drawing A-2</b>	Landscape Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2024**