

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-PS/743

- Applicant** : Mr. CHAU Kam Ming represented by Miss WAI Siu Yiu
- Site** : Lots 115 RP (Part), 116 RP and 201 RP (Part) in D.D. 126, Ping Shan, Yuen Long
- Site Area** : About 2,760 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/20
- Zoning** : “Village Type Development” (“V”)
[Restricted to a maximum building height of 3 storeys (8.23 m)]
- Application** : Proposed Temporary Warehouse for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for a period of three years at the application site (the Site) zoned “V” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board (the Board). The Site is currently occupied by open storage use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 According to the applicant, the Site is accessible via an existing local track leading to Tin Wah Road (**Plan A-3**). Seven single-storey warehouses (not more than 11m high) with a total floor area of about 1,547m² are proposed for storage of repairing materials for local drainage works and drainage facilities. The warehouse structures will be enclosed and fenced off along Ha Mei San Tsuen Road to mitigate and minimise the potential environmental nuisance to the residential dwellings nearby. One undesignated loading/unloading space for heavy goods vehicle is proposed at the Site. No dangerous goods will be stored and no container vehicles/tractor will be allowed to park/store at the Site. No open storage use will be involved and no workshop and repairing activities will be carried out at the Site. The operation hours are from 8:00 a.m. to 6:00 p.m. from Mondays to Saturdays (excluding Sundays and public holidays). The layout plan and vehicular access plan submitted by the

applicant are at **Drawings A-1 to A-2**.

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

| Major Development Parameters | Application No. A/YL-PS/743 |
|--------------------------------|---|
| Site Area | 2,760 m ² (about) |
| Total Floor Area | 1,547 m ² (about) |
| No. and Height of Structures | 7 (about 221m ² each) for warehouse use (Not more than 11m, 1 storey) |
| No. of Loading/Unloading Space | 1 |
| Operation Hours | (a) 8:00 a.m to 6:00 p.m from Mondays to Saturdays (b) 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 **(Appendix I)**
27.12.2024
- (b) Supplementary information (SI) (revised **(Appendix Ia)**
Application Form) received on 30.12.2024
- (c) Further information (FI) received on 17.1.2025 * **(Appendices Ib and Ic)**
- (d) FI received on 5.2.2025 * **(Appendix Id)**
* *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 in the Application Form, SI and FIs at **Appendices I to Id**. They can be summarised as follows:

- (a) The Site and the adjoining site which is covered with valid planning permission (No. A/YL-PS/711) for open storage of building materials and machinery for a period of three years will be operated by the same tenant. The proposed warehouses are for some of the repairing materials for local

drainage works and drainage facilities in the vicinity that could be stored within covered areas.

- (b) The surroundings of the Site have been occupied with temporary storage uses since 1990s and there has been no report on flooding problem.
- (c) The options for alternative brownfield sites are limited due to the land resumption process for Yuen Long South Development Phase 1.
- (d) The applicant will comply with all the approval conditions to the satisfaction of concerned departments should the application be approved.
- (e) The applicant will repair the uneven and dilapidated roads for the use of villagers nearby.
- (f) No adverse infrastructural nor environmental impacts are anticipated since the storage use at the Site is temporary in nature and the operation mode is similar to the adjoining storage yards.

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 posting notice on newspaper and sending registered notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

The Site is subject to planning enforcement action (No. E/YL-PS/764) against unauthorized development (UD) involving storage use (**Plan A-2**). Enforcement Notice was issued on 13.9.2024 requiring discontinuation of the UD by 13.12.2024. Site inspection on 17.12.2024 revealed that the UD still continued upon expiry of the notice, prosecution action is being considered.

5. **Previous Applications**

The Site was, in part or in whole, involved in five previous applications (No. A/DPA/YL-PS/45 and 61, A/YL-PS/11 and 24 for temporary parking of vehicle uses and No. A/YL-PS/733 for temporary open storage use). One application was approved upon review by the Board in 1998 and other applications were rejected by the Rural and New Town Planning Committee (the Committee) or the Board on review between 1994 and 2024. The considerations of these applications are not relevant to the current application which involves a different use. Details of the previous applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1b**.

6. Similar Application

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

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

7.1 The Site is:

- (a) hard-paved, partly fenced-off and partly occupied by open storage use without valid planning permission; and
- (b) accessible via a local track leading to Tin Wah Road (**Plan A-2**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) to the north are predominantly open storage yards falling within areas zoned “Government, Institution or Community” (“G/IC”) and “Residential (Group A) 6” (“R(A)6”), which are covered by valid planning permissions; and
- (b) to its south across Ha Mei San Tsuen Road is the village settlement of Ha Mei San Tsuen intermixed with unused land, parking of vehicles and warehouse. Some of the uses are suspected UD’s subject to planning enforcement action.

8. Planning Intention

The planning intention of “V” zone is to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses (SH) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

9. Comments from Relevant Government Departments

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

9.2 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 as there are residential uses in the vicinity (with the nearest one situated about 23 m to its south) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) there is no substantiated complaint pertaining to the Site received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 3.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual (**Appendix V**) was received objecting to the application on the grounds that previous application for open storage use was rejected and warehouse use should not be carried out in “V” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for a period of three years at the Site zoned “V” on the OZP. Whilst the applied use is not in line with the planning intention of the “V” zone, the District Lands Officer/Yuen Long, Lands Department advises that there is no Small House application approved or under processing. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “V” zone.
- 11.2 The Site is adjoined by open storage yards covered by valid planning permissions (**Plans A-2** and **A-3**) to the immediate north in areas zoned “G/IC” and “R(A)6”. The village settlements of Ha Mei San Tsuen within the same “V” zone are located to the south of the Site across Ha Mei San Tsuen Road with the nearest residential dwelling located at about 23m from the Site. To address the land use compatibility issue, the applicant proposes to enclose and fence off the warehouse structures along Ha Mei San Tsuen Road to mitigate and minimise the potential environmental nuisance to the residential dwellings nearby, and committed that no open storage activities will be carried out at the Site. In this regard, considering the nature of the proposed use (i.e. warehouse with no open storage and workshop activities involved) and appropriate mitigation measures (i.e. to enclose and fence off

the warehouse structures along Ha Mei San Tsuen Road) are proposed by the applicant, the proposed use is considered not entirely incompatible with the surrounding environment.

- 11.3 Relevant government departments including the Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department and the Director of Fire Services have no objection to/no adverse comments on the application from traffic, drainage and fire safety perspectives respectively. 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 23m to the south of the Site) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles, thus environmental nuisance is expected. Nonetheless, vehicular access to the Site will be via a local track leading from Tin Wah Road to the further northwest instead of routing through the subject “V” zone. Besides, no substantial environmental complaint concerning the Site has been received by DEP in the past three years. Should the planning application be approved, the applicant will 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. 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 enforcement action.
- 11.4 There is one public comment received as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment in paragraph 10 above, the Planning Department has no objection to the application.
- 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 **14.2.2028**. 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 **14.8.2025**;
- (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

14.11.2025;

- (c) in relation to (b) above, the implemented drainage facilities on the Site 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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **14.8.2025;**
- (e) in relation to (d) 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 **14.11.2025;**
- (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 "V" zone, which is primarily to reflect existing recognised and other villages, and to provide land considered suitable for village expansion and reprovisioning of village houses affected by Government projects. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification 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

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| Appendix I | Application form with attachments received on 27.12.2024 |
| Appendix Ia | SI received on 30.12.2024 |
| Appendix Ib | FI received on 17.1.2025 |
| Appendix Ic | FI received on 17.1.2025 |
| Appendix Id | FI received on 5.2.2025 |
| Appendix II | Previous Applications covering the Site |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public Comment |
| Drawing A-1 | Layout Plan |
| Drawing A-2 | Vehicular Access Plan |
| Plan A-1a | Location Plan |
| Plan A-1b | Previous Applications Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plan A-4 | Site Photos |

**PLANNING DEPARTMENT
FEBRUARY 2025**