

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TT/593**

- Applicant** : Mr. Au Tat Wing
- Site** : Lot 736 D.D. 117, Yuen Long, New Territories
- Site Area** : 369 m<sup>2</sup> (About)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/19
- Zoning** : “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) *[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials for a period of three years at the application site (the Site) (**Plan A-1**). 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 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 a workshop without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 According to the applicant, the proposal is to convert the existing single-storey structures to a warehouse for storage of construction materials with ancillary office. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 to A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	369 m <sup>2</sup> (about)
Total Floor Area (Non-domestic)	270 m <sup>2</sup> (about)

No. of Structures	2 for storage and ancillary office
Height of Structures	1 storey, not more than 6.1 m
No. of Parking/ Loading/Unloading Space	1 (5m X 2.5m)
Operation Hours	9:00 a.m. to 6:00 p.m., with 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 27.3.2023 **(Appendix I)**
- (b) Further Information (FI) received on 11.5.2023 **(Appendix Ia)**  
*[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 annex to the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the proposal could better utilise land resources for storage use; and
- (b) the proposed development will not create significant adverse environmental impacts on the surrounding areas and would not affect residents in the vicinity.

## **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 site notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

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

The Town Planning Board Guidelines for ‘Designation of “OU(RU)” Zone and Application for Development within “OU(RU)” Zone’ (TPB PG-No. 38) are relevant to the application. The relevant extract of the Guidelines is attached at **Appendix II**.

## **5. Background**

- 5.1 The current application is not for open storage/port back-up use. Nevertheless, for members’ reference, based on the review of the TPB Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (the Guidelines/TPB PG-No. 13F) and followed with consultation with relevant bureaux/departments, part of the subject “OU(RU)” zone where the Site is located, among other sites, has been re-classified from Category 3 to Category 2

under the TPB PG-No. 13G promulgated on 14.4.2023. Since then, subject to no adverse departmental comments and local objections, planning permission for open storage and port back-up uses could be granted on a temporary basis up to a maximum period of three years.

- 5.2 The Site is subject to planning enforcement action against unauthorized development (UD) involving workshop use and storage use (**Plan A-1**). Enforcement Notice (EN) was issued to the concerned parties on 28.12.2022 requiring discontinuation of the UD. As the UD on site has not been discontinued upon expiry of the EN, further enforcement action is being considered.

## **6. Previous Application**

There is no previous application concerning the Site.

## **7. Similar Applications**

There are no similar applications within the subject “OU(RU)” zone since 2018.

## **8. Planning Intention**

The planning intention of the “OU(RU)” zone is primarily for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Board, with a view to upgrading or improving the area or providing support to the local communities.

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

9.1 The Site is:

- (a) accessible from Pak Sha Shan Road to its north via a local track (**Plan A-2**); and
- (b) currently paved, fenced off and occupied by workshop without valid planning permission (**Plans A-4a and A-4b**).

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

- (a) mixed in character with predominantly warehouses, open storage/storage yards and car servicing intermixed with residential structures, elderly home and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest ones located about 20m to its north (**Plan A-2**); and
- (c) all the warehouses and open storage/storage yards in the vicinity are suspected UD's subject to planning enforcement action.

## **10. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

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

On 4.4.2023, the application was published for public inspection. During the three weeks of the statutory public inspection period, one public comment was received from an individual providing views that there is no justification for approval and storage use is not appropriate to be located close to “Village Type Development” zone (**Appendix V**).

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

- 12.1 The application is for temporary warehouse for storage of construction materials for a period of three years at the Site zoned “OU(RU)” on the OZP. The proposed use is not in line with the planning intention of the “OU(RU)” zone, which is primarily for the preservation of the character of the rural area. According to the Revised Recommended Outline Development Plan of Yuen Long South (YLS) promulgated in May 2020, the Site falls partly within an area zoned as “Local Open Space” and partly within an area shown as ‘Road’ under YLS Development Stage 2B and Stage 3. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have no objection to the application. As such, approval of the application on a temporary basis of three years would not frustrate the long-term planning intention of the area.
- 12.2 The proposed use with single-storey structures is considered not incompatible with the surrounding uses, which mainly comprise scattered warehouses, open storage/storage yards and car servicing intermixed with residential structures (**Plan A-2**).
- 12.3 Other concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. The application is also generally in line with TPB PG-No. 38 in that the proposal would not adversely affect the rural environment, the conservation of the rural landscape and the maintenance of the rural character of the area and its surroundings, nor would it overstrain the capacity of existing and planned infrastructure. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning 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” to minimise potential environmental impact on the surrounding areas.

- 12.4 There is one public comment providing views to the application received during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.3 above are relevant.

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

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary warehouse for storage of construction materials could be tolerated for a 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 until 19.5.2026. 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 19.11.2023;
- (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 19.2.2024;
- (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 planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 19.11.2023;
- (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 19.2.2024;
- (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 at **Appendix IV**.

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

the proposed use is not in line with the planning intention of the "OU(RU)" zone, which is primarily for the preservation of the character of the rural area. No strong planning justification has been given 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**

<b>Appendix I</b>	Application Form with Attachments received on 27.3.2023
<b>Appendix Ia</b>	FI received on 11.5.2023
<b>Appendix II</b>	Relevant extract of TPB PG-No. 38
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2023**