

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

**APPLICATION NO. A/YL-TT/619**

- Applicant** : Tech Famous International Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 3586 S.B RP (Part), 3587 (Part) and 3588 (Part) in D.D. 116 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : 1,048 m<sup>2</sup> (about) (including GL of about 4 m<sup>2</sup> or 0.38%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20 (currently in force)  
  
Draft Tai Tong OZP No. S/YL-TT/19  
(at the time of submission)  
[no change to the zoning and development restrictions for the application site]
- 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 and Open Storage for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse and open storage for a period of three years at the application site (the Site) (**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 planning permission from the Town Planning Board (the Board). The Site is currently occupied by storage of vehicles without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site can be accessed from Tai Shu Ha Road East via a local track and the ingress/egress is located at the north-eastern part of the Site (**Drawing A-1**). According to the applicant, majority of the Site will be used for warehouse with a minor portion (an area of about 25m<sup>2</sup> or 2.4% of the Site) for open storage use

**(Drawing A-2).** No repairing, dismantling, cleansing or other workshop activities will be carried out within the Site and no medium or heavy goods vehicles, including container tractors/trailers, are allowed to access. The proposed vehicular access, layout and as-built drainage facilities submitted by the applicant are shown on **Drawings A-1 to A-3** respectively.

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

<b>Site Area</b>	1,048 m <sup>2</sup> (about)
<b>Covered Area</b>	546 m <sup>2</sup> (about)
<b>Open Storage Area</b>	25 m <sup>2</sup> (about)
<b>No. of Structures</b>	3 (2 warehouses, 1 site office and toilet)
<b>Height of Structures</b>	1-2 storeys, 6-8m
<b>No. of Parking Space</b>	1 for private car (5m x 2.5m)
<b>No. of Parking/ Loading/Unloading Space</b>	1 for light goods vehicle (7m x 3.5m)
<b>Operation Hours</b>	9:00 a.m. to 7:00 p.m. (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 17.10.2023 **(Appendix I)**
- (b) Further Information (FI) received on 5.2.2024\* **(Appendix Ia)**

*\*exempted from publication and recounting requirements*

1.5 On 8.12.2023, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

## **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 and Ia**. They can be summarised as follows:

- (a) The temporary use for a period of three years would not jeopardise the long-term planning intention of the “OU(RU)” zone. Similar uses have been approved by the Board in the vicinity of the Site.
- (b) The proposed uses are not incompatible with the surrounding environment, including open storage use and port back-up activities.
- (c) There will be insignificant traffic, environmental and drainage impacts arising from the proposed uses.

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

The applicant is one of the “current land owners” 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 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. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

### 4. **Background**

The Site is currently not subject to planning enforcement action.

### 5. **Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Designation of “Other Specified Uses” Annotated “Rural Use” (“OU(RU)”) Zone and Application for Development within “OU(RU)” Zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 38) are relevant to this application. The relevant extract of the Guidelines is attached at **Appendix II**.

### 6. **Previous Applications**

- 6.1 The Site in different extents is involved in five previous applications. Details of the applications are summarised at **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Amongst the five applications, three applications (No. A/YL-TT/73, 365 and 387) for temporary warehouse or open storage use were rejected by the Committee or the Board on review between 2000 and 2016 mainly on the grounds of being not in line with the planning intention of the “Agriculture” (“AGR”)<sup>1</sup>/“OU(RU)” zone and the TPB PG-No. 38; being not compatible with the surrounding area; having adverse departmental comments on landscape aspect and setting an undesirable precedent.
- 6.3 The other two applications (No. A/YL-TT/400 and 494) for temporary shop and services each for a period of three years were approved by the Committee in 2017 and 2020 respectively. The considerations for these applications are not relevant to the current application which is for a different use.

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<sup>1</sup> The site under application No. A/YL-TT/73 was zoned “AGR” on the then Tai Tong OZP No. S/YL-TT/6, and only a small portion of which overlapped with the Site.

## **7. Similar Application**

- 7.1 There is one similar application (No. A/YL-TT/593) for temporary warehouse use on “OU(RU)” zone within the same OZP in the past five years which was approved by the Committee in 2023 mainly on considerations that the proposed use was not incompatible with the surrounding areas and there were no major adverse comments from concerned government departments. Details of the application are summarised at **Appendix III** and the location of the site is shown on **Plan A-1a**.
- 7.2 For Members’ information, application (No. A/YL-TT/615) for warehouse and open storage within the subject “OU(RU)” zone will be considered by the Committee at the same meeting (**Plan A-1a**).

## **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-1a to A-4)**

9.1 The Site is:

- (a) currently paved, fenced off, covered with some temporary structures and occupied by storage of vehicles without valid planning permission; and
- (b) accessible via a local track branched off from Tai Shu Ha Road East in the north.

9.2 The surrounding areas<sup>2</sup> are predominantly rural in character with some warehouses intermixed with open storage/storage yards, workshops and temporary residential structures. Except for the warehouses to the immediate south of the Site, the open storage/storage yards and workshops in the vicinity are suspected unauthorized developments 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 IV and V** respectively.

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<sup>2</sup> The Site and its surrounding areas within the subject “OU(RU)” zone have been re-classified from Category 3 to Category 2 under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated on 14.4.2023 generally to facilitate open storage/warehouse and port back-up development.

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

On 24.10.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application mainly on the grounds of no previously approved applications and setting of undesirable precedent (**Appendix VII**).

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

- 12.1 The application is for temporary warehouse and open storage for a period of three years at the Site zoned “OU(RU)” on the OZP. Although the proposed uses are not in line with the planning intention of the “OU(RU)” zone, there is at present no known development proposed at the Site. Approval of the application on a temporary basis for three years would not frustrate the long-term planning intention of the area.
- 12.2 The proposed uses are considered not incompatible with the surrounding areas which are rural in character with some warehouses intermixed with open storage/storage yards, workshops and temporary residential structures (**Plan A-2**).
- 12.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the application on traffic, environmental, fire safety and drainage aspects. The Chief Town Planner/Urban Design and Landscape of Planning Department states that no significant landscape impact arising from the proposed uses is anticipated. As such, the application is 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 the concerned government departments. 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” to minimise potential environmental nuisance on the surrounding areas.
- 12.4 There are three previously rejected applications for temporary open storage or warehouse use between 2000 and 2016 mainly on the grounds mentioned in paragraph 6.2 above. Nonetheless, the land use character at the surrounding areas has been gradually changed with increasing brownfield uses and the relevant government departments have no objection to/no adverse comment on the current application. Given one similar application within “OU(RU)” zone was approved by the Committee in 2023, approval of the application is not in conflict with the previous decisions of the Committee.
- 12.5 There is one public comment objecting 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 12.4 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 comment mentioned in paragraph 11 above, the Planning Department considers that the temporary warehouse and open storage 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 5.4.2027. 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 on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.7.2024;
- (b) in relation to (a) above, the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.5.2024;
- (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 5.10.2024;
- (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 5.1.2025;
- (f) 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
- (g) if any of the above planning condition (a), (c), (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 V**.

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

the proposed uses are not in line with the planning intention of the "Other Specified Uses" annotated "Rural Use" 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 17.10.2023
<b>Appendix Ia</b>	FI received on 5.2.2024
<b>Appendix II</b>	Relevant extract of TPB PG-No. 38
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Good Practice Guidelines for Open Storage Sites
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Application
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**