

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

**APPLICATION NO. A/YL-TT/667**

- Applicant** : Mr. CHOW Hing Yung
- Site** : Lot 1217 in D.D. 119, Pak Sha Shan Road, Yuen Long, New Territories
- Site Area** : 1,660 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- 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 of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse and open storage of construction materials for a period of three years at the application site (the Site) zoned “OU(RU)” 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 planning permission from the Town Planning Board (the Board). The Site is currently vacant and partly fenced off (**Plans A-2 to A-4**).
- 1.2 The Site is abutting Pak Sha Shan Road with an ingress/egress point in the north (**Drawing A-2 and Plan A-1**). According to the applicant, the majority of the Site (about 1,060m<sup>2</sup> or 64%) will be occupied by two single-storey structures (5.5m in height for warehouse use) with a total floor area of about 1,060m<sup>2</sup> while part of the uncovered area (about 300m<sup>2</sup> or 18% of the Site) is for open storage use (**Drawing A-2**). The proposed vehicular access and site layout submitted by the applicant are shown on **Drawings A-1 to A-2** respectively.

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

|   |  |
|---|--|
| Site Area                                     | 1,660 m <sup>2</sup>   |
| Total Floor Area                              | 1,060 m <sup>2</sup> (about 64%)   |
| Open Storage Area                             | 300 m <sup>2</sup> (about 18%)   |
| No. of Structures<br>(Height)                 | 2 (1 storey, 5.5m)<br>- for warehouses   |
| No. of Parking/<br>Loading/Unloading<br>Space | 3 for Light Goods Vehicle<br>(7m x 3.5m)   |
| Operation Hours                               | 9:00 a.m. to 7:00 p.m. (Mondays to Saturdays)<br>(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 30.7.2024 **(Appendix I)**
- (b) Further Information (FI) received on 4.9.2024 **(Appendix Ia)**  
*[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 and FI at **Appendices I and Ia** respectively. They can be summarised as follows:

- (a) to make good use of land resources for warehouse and open storage uses in light of the rapid development of northwest New Territories;
- (b) the proposed uses are temporary in nature and would not frustrate the long-term planning of the “OU(RU)” zone; and
- (c) a similar application was approved in May 2023.

## 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 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. Background**

4.1 Civil Engineering and Development Department (CEDD) and Planning Department (PlanD) jointly commissioned the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls within an area partly zoned “Residential – Zone 3” (“R3”), partly zoned “Local Open Space” (“LO”), and partly within an area shown as ‘Road’.

4.2 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**

The Site is involved in three previous applications (No. A/YL-TT/13, 110 and 180) for temporary open storage or temporary private car and light goods vehicle park. The applications were rejected by the Rural and New Town Planning Committee (the Committee) of the Board/the Town Planning Appeal Board between 1997 and 2005. Considerations of these applications are not relevant to the current application which involves a different main use. Details of the applications are summarised at **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

#### **7. Similar Application**

There is a similar application No. A/YL-TT/593 for temporary warehouse for storage of construction materials for a period of three years involving the same “OU(RU)” zone on the OZP in the past five years, which was approved with conditions by the Committee in 2023 mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the “OU(RU)” zone; not being incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the application are summarised in **Appendix III** and the location of the site is shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) currently vacant and partly fenced off; and
- (b) abutting Pak Sha Shan Road.

- 8.2 The surrounding areas are rural in character predominantly comprising open storage/storage yards, warehouses, car servicing/vehicle repair workshops intermixed with residential dwellings. Some of the storage/storage yards, warehouses and car servicing/vehicle repair workshops are suspected unauthorized developments subject to planning enforcement action.

## **9. 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.

## **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.

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

On 6.8.2024, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VII**). The Chairman of Yuen Long Town Centre and Rural East Area Committee has no comment on the application. The remaining three public comments were submitted by a Pak Sha Tsuen Villagers' Concern Group and two individuals objecting to the application on the grounds that the proposed uses would result in adverse traffic and environmental impacts; and there is no information regarding tree felling.

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

12.1 The application is for proposed temporary warehouse and open storage of construction materials for a period of three years at the Site zoned “OU(RU)” on the OZP. Under the Revised RODP of YLS Development, the Site falls within an area partly zoned “R3”, partly zoned “LO” and partly within an area shown as ‘Road’ under the Second and Third Phases of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of PlanD and Project Manager (West) of CEDD have no objection to the application. Despite the proposed uses are not in line with the planning intention of the “OU(RU)” zone, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects (**Appendix V**).

12.2 The proposed uses are considered not incompatible with the surrounding areas which are rural in character predominantly comprising open storage/storage yards,

warehouses, car servicing/vehicle repair workshops intermixed with residential dwellings (**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 of Drainage Services Department have no objection to/no adverse comment on the application on traffic, environmental, fire safety and drainage aspects respectively. The Chief Town Planner/Urban Design and Landscape of PlanD states that the Site falls within a non-landscape sensitive zoning and no existing trees/vegetation are observed. In light of the above, the application is considered 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 Although the Site is involved in three previous applications, considerations of these applications are not relevant to the current application as it mainly involves a different use. A similar application within the same “OU(RU)” zone was approved by the Committee in 2023. Approval of the current application is generally in line with the Committee’s previous decision.
- 12.5 There are four public comments 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 comments mentioned in paragraph 11 above, the Planning Department considers that the proposed use for a period of three years could be tolerated.
- 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 20.9.2027. 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 20.3.2025;

- (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 20.6.2025;
- (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 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 1.11.2024;
- (e) 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 20.3.2025;
- (f) in relation to (e) 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 20.6.2025;
- (g) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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 attachment received on 30.7.2024 |
| <b>Appendix Ia</b>  | FI received on 4.9.2024                                |
| <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 Comments  |
| <b>Drawing A-1</b>  | Vehicular Route  |
| <b>Drawing A-2</b>  | Site Layout Plan                                       |
| <b>Plan A-1a</b>    | Location Plan with Similar Applications                |
| <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  
SEPTEMBER 2024**