

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

**APPLICATION NO. A/YL-TYST/1082**

- Applicants** : Ms. LIM Siam Luan and Ms. WAN Pik Wan
- Site** : Lots 961 S.C (Part) and 962 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 620 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse for Storage of Furniture with Ancillary Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek planning permission to use the application site (the Site) for temporary warehouse for storage of furniture with ancillary office for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP, all uses or development within the “U” zone except those specified in the Notes require planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site involves three previous applications for the same temporary warehouse use with/without ancillary office submitted by the same applicants as the current application (**Plan A-1b**). The last application (No. A/YL-TYST/851) was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board in 2017. However, the planning permission was revoked in 2018 due to non-compliance with approval conditions on submission of drainage and fire service installations (FSIs) proposals. Compared with the last application, the current application is submitted by the same applicants for the same use at a slightly larger site with similar development parameters and site layout.

- 1.3 According to the applicants, the temporary warehouse is mainly for storage of wooden furniture (such as chairs, tables and cabinets) with ancillary office. No packaging and repairing activities will be carried out within the Site. Plans showing the vehicular access leading to the Site, site layout and FSIs proposal submitted by the applicants are at **Drawings A-1 to A-3** respectively.
- 1.4 The major development parameters of the current application and the previously approved application are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/851 (a)</b>	<b>Current Application No. A/YL-TYST/1082 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Furniture with Ancillary Office for a Period of 3 Years		--
Site Area	About 540 m <sup>2</sup>	About 620 m <sup>2</sup>	+80 m <sup>2</sup> (+14.8%)
Total Floor Area (non-domestic)	About 540 m <sup>2</sup>	About 620 m <sup>2</sup>	+80 m <sup>2</sup> (+14.8%)
No. and Height of Structures	1 • for warehouse and ancillary office (6m, 1 storey)	1 • for warehouse, ancillary office and toilet (6m, 1 storey)	--
No. of Parking and Loading/Unloading Space(s)	1 (for medium goods vehicle)		--
Operation Hours	9:00 a.m. to 6:00 p.m., with no operation on Sundays and Public Holidays	10:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays	Shorter Operation Hours

- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with plans received on 16.2.2021 **(Appendix I)**
  - (b) Supplementary Information received on 25.2.2021 providing replacement pages of the application form **(Appendix Ia)**
  - (c) Further Information (FI) received on 10.6.2021 providing revised FSIs proposal **(Appendix Ib)**  
*[exempted from publication and recounting requirements]*
- 1.6 On 16.4.2021, the Committee agreed to defer a decision on the application for two months, as requested by the applicants. FI has since been received and the application is scheduled for consideration by the Committee at this meeting.

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) The Site is located far away from residential areas and only a few residents live in the vicinity. The applied use will not cause adverse traffic and environmental impacts on the surrounding area.
- (b) Upon approval of the application, FSIs will be installed at the Site as per the FSIs proposal, thus fire safety can be guaranteed.
- (c) Similar applications in the vicinity of the Site have been approved by the Board.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members' inspection.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## **5. Previous Applications**

- 5.1 The Site involves three previous applications submitted by the same applicants for the same temporary warehouse with/without ancillary office use covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TYST/624, 823 and 851 were all approved with conditions each for a period of 3 years by the Committee between 2012 and 2017, mainly on the considerations that the developments were not incompatible with the surrounding areas; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, all three planning permissions were revoked between 2013 and 2018 due to non-compliance with approval conditions on submission of drainage and FSIs proposals.
- 5.3 Compared with the last application, the current application is submitted by the same applicants for the same use at a slightly larger site with similar development parameters and site layout.

## **6. Similar Applications**

- 6.1 A total of 92 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” zone had been considered by the Committee since 2015. Details of the applications are

summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.

- 6.2 Out of the 92 similar planning applications, 89 were approved mainly on similar considerations that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for 27 of them were revoked due to non-compliance with approval conditions.
- 6.3 The remaining three planning applications (No. A/YL-TYST/922, 926 and 943) were rejected by the Committee between 2018 and 2019 on the grounds that approval of applications with repeated non-compliances with approval conditions would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system.

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

### **7.1 The Site is:**

- (a) accessible from Kung Um Road to its east via a local track;
- (b) paved and fenced off; and
- (c) currently occupied by the applied use without valid planning permission.

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

- (a) comprise predominately of warehouses and open storage/storage yards, with scattered residential structures, car services and vacant land/structures;
- (b) there are scattered residential structures in the vicinity of the Site with the nearest one located to its immediate northwest;
- (c) to the further west of the Site is an area zoned “Green Belt” on the OZP; and
- (d) except for eight warehouses, the other warehouses, open storage/storage yards and car services in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

- 8.1 The planning intention of the “U” zone is to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises. Any proposed developments within the zone should demonstrate that they will not have significant traffic, drainage and environmental impacts on the area.

- 8.2 According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the YLS Study), this area falls within the remaining stages of the YLS Development and the existing operations would be gradually phased out in stages.

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

- 9.1 The following government departments have been consulted and their views on the application and public comments, where relevant, are summarised as follows:

### **Land Administration**

- 9.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
- (b) Portion of Lot No. 961 S.C in D.D. 119 is covered by Short Term Waiver (STW) No. 3813 to permit structures erected thereon for the purpose of “Warehouse for Storage of Furniture”.
- (c) Should planning approval be given to the application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. The lot owner(s) of the lot(s) without STW will need to apply to her office to permit the structures to be erected or regularise any irregularities on site, if any. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her department.

### **Traffic**

- 9.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Kung Um Road shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall be clarified and consulted with the relevant management and maintenance authorities accordingly.

- (c) The applicants are reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

9.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

**Environment**

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

- (a) He does not support the application as there is residential use in the vicinity (with the nearest one located to the immediate northwest of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There are no substantiated environmental complaints concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicants should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding area.

**Drainage**

9.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the application from the public drainage point of view.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the submission of a drainage proposal and the implementation and maintenance of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

**Fire Safety**

9.1.6 Comments of the Director of Fire Services (D of FS):

- (a) He has no objection in principle to the application.
- (b) The applicants should be reminded of the detailed comments on the submitted FSIs proposal and general comments at **Appendix V**. Revised layout plans incorporated with the proposed FSIs should be submitted to his department for approval.

### **Building Matters**

#### 9.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval granted by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed in the application.
- (b) The applicants should be reminded of the detailed comments at **Appendix V**.

### **Long-Term Development**

#### 9.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the YLS Study. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls mainly within an area zoned “Other Specified Uses” annotated “Hillside River Corridor with Scenic Cycle Track” (“OU(HRCST)”) and partly within an area zoned “Residential – Zone 3” (“R3”).
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land clearance which would affect the future implementation of YLS.

#### 9.1.9 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) Based on the preliminary project boundary of the proposed YLS Development, the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would

provide land to meet the medium to long term housing needs of Hong Kong and the detailed implementation programme with phasing and packaging of works for YLS Development – Stage 3 is being formulated.

#### **District Officer's Comments**

9.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

Her office has not received any comment from the village representatives in the vicinity regarding the application.

9.2 The following government departments have no comment on the application:

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC); and
- (c) Commissioner of Police (C of P).

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

On 26.2.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objected to the application on the grounds that the applied use will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix IV-1**). Another individual raised concerns that repeated non-compliance with approval conditions at the Site could cause environmental impacts and safety risk to the nearby residents (**Appendix IV-2**).

#### **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse for storage of furniture with ancillary office for a period of 3 years at a site zoned “U” on the OZP. The applied use is not in conflict with the planning intention of the “U” zone which is to cater for the continuing demand for open storage but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. Whilst the Site mainly falls within an area zoned “OU(HRCST)” and partly within an area zoned “R3” on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 11.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards (**Plan A-2**). Although there are residential structures in the vicinity, the applied use is generally not incompatible with the surrounding uses.
- 11.3 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 to its immediate northwest) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles;



environmental nuisance is expected. Apart from DEP, other concerned departments have no objection to/adverse comment on the application.

- 11.4 The Site involves three previously approved planning applications for the same temporary warehouse use with/without ancillary office (No. A/YL-TYST/624, 823 and 851) covering different extents of the Site. All three applications were submitted by the same applicants as the current application with similar development parameters and site layout. All three planning permissions were revoked due to non-compliance with time-limited approval conditions on submission of drainage and FSIs proposals. Since revocation of the first application (No. A/YL-TYST/624) in 2013, the Site has been in operation for the current applied use. Although the applicants had been advised in the last two approvals that should they fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications, no justifications have been provided in the current submission to substantiate the prolonged delay and repeated failure in submission and implementation of the drainage and FSIs proposals. While the applicants have submitted FSIs proposal for the current application, it has yet to be accepted by D of FS due to various technical deficiencies of the submission. Furthermore, no drainage proposal has been submitted as part of the current application. In view of the above, approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications for temporary uses, thus nullifying the statutory planning control mechanism.
- 11.5 Although the Committee had approved 89 similar applications for temporary warehouse uses within/straddling the subject “U” zone since 2015, there are also three similar applications rejected by the Committee for the reason that approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications for temporary uses. In this regard, rejection of the current application is generally in line with the Committee’s previous decisions.
- 11.6 There are two public comments received on the application during the statutory publication period, including one raising concerns on the repeated non-compliance of approval conditions at the Site, as summarised in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.5 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 comments summarised in paragraph 10 above, the Planning Department does not support the application for the following reason:

three previous planning permissions granted on the Site for the same applied use were revoked due to non-compliance with approval conditions, which were all submitted by the same applicants as the current application. Approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism.

- 12.2 Alternatively, 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 3 years until 23.7.2024 but with shorter compliance periods to monitor the fulfilment of the approval conditions. The following conditions of approval and advisory clauses for the application are also suggested for Members' reference:

Approval conditions

- (a) no operation between 5:00 p.m. and 10:00 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (c) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (d) the submission of a drainage proposal 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 23.10.2021;
- (e) in relation to (d) above, the implementation of the 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 23.1.2022;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all time during the planning approval period;
- (g) the submission of a revised fire service installations proposal within **3** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 23.10.2021;
- (h) in relation to (g) above, the implementation of the revised 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 23.1.2022;
- (i) if any of the above planning conditions (a), (b), (c) or (f) 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
- (j) if any of the above planning conditions (d), (e), (g) or (h) 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. 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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.
- 13.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application Form with plans received on 16.2.2021
<b>Appendix Ia</b>	Supplementary Information received on 25.2.2021
<b>Appendix Ib</b>	FI received on 10.6.2021
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Similar Applications within/straddling the “U” zone on the OZP since 2015
<b>Appendices IV-1 and IV-2</b>	Public Comments received during the Statutory Publication Period
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Layout Plan
<b>Drawing A-3</b>	FSIs Proposal
<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  
JULY 2021**