

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

**APPLICATION NO. A/YL-TYST/1090**

- Applicant** : Starwall Solar System Limited represented by R-riches Property Consultants Limited
- Site** : Lots 295 RP, 296 S.D and 298 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 6,320 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
- Zonings** : “Other Specified Uses” annotated “Storage and Workshop Use” (“OU(SW)”) (about 89.3%); and  
*[restricted to a maximum plot ratio of 5 and maximum building height of 110mPD]*  
area shown as ‘Road’ (about 10.7%)
- Application** : Proposed Temporary Shop and Services (Vehicle Parts) with Ancillary Vehicle Repair Workshop for a Period of 5 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary shop and services with ancillary vehicle repair workshop for a period of 5 years (**Plan A-1**). According to the Notes of the OZP for the “OU(SW)” zone, ‘Shop and Services (not elsewhere specified)’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The covering Notes of the OZP also states that all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently largely vacant with temporary structures and partly occupied by a plant nursery and miscellaneous objects (**Plans A-2, A-4a and A-4b**).
- 1.2 According to the applicant, a range of vehicle parts will be sold at the Site with ancillary vehicle repair workshop to serve the surrounding neighbourhood. No medium or heavy goods vehicles, including container tractor/trailer, will be allowed to enter/exit the Site. Plans showing the vehicular access leading to the Site, site layout, elevations and sections and internal layout submitted by the applicant are at **Drawings A-1 to A-4** respectively.

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

Applied Use	Proposed Temporary Shop and Services (Vehicle Parts) with Ancillary Vehicle Repair Workshop for a Period of 5 Years
Site Area	About 6,320 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 3,940 m <sup>2</sup>
No. and Height of Structures	10 <ul style="list-style-type: none"> <li>• four for site office (3-5.2m, 1-2 storey(s))</li> <li>• two for rain shelter (3-6.7m, 1 storey)</li> <li>• one for shop and services with storage (6.7m, 1 storey)</li> <li>• one for storage of goods (3.5m, 1 storey)</li> <li>• one for ancillary vehicle repair workshop (6.7m, 1 storey)</li> <li>• one for meter room (3m, 1 storey)</li> </ul>
No. of Parking Spaces	2 (for private car) (5m x 2.5m each)
No. of Loading/Unloading Spaces	2 (for light goods vehicle) (7m x 3.5m each)
Operation Hours	9:00 a.m. to 7:00 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 plans received on 25.3.2021 **(Appendix I)**
- (b) Further Information (FI) received on 10.5.2021 **(Appendix Ia)** responding to departmental comments and providing internal layout plan  
*[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 (**Appendices I and Ia**). They can be summarised as follows:

- (a) The applicant is fully aware of the upcoming Yuen Long South (YLS) Development, though the temporary proposal would not jeopardise the long-term planning intention. The proposal will strictly follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) and relevant Professional Persons Environmental Consultative Committee Practice Notes.
- (b) There will be minimal traffic, environmental, drainage and landscape impacts arising from the proposal.

**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 notice to the Ping Shan Heung Rural Committee by registered post. 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 Application**

There is no previous planning application covering the Site.

**6. Similar Application**

There is no similar planning application within the subject “OU(SW)” zone.

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

7.1 The Site is:

- (a) accessible from Tong Tai Road to its east via a local track;
- (b) partly paved and fenced off; and
- (c) currently largely vacant with temporary structures and partly occupied by a plant nursery and miscellaneous objects.

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

- (a) mixed in character comprising predominately open storage yards, warehouses and scattered residential structures, parking of trucks, and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate northeast, while the residential development of Park Villa is about 30m to its south;
- (c) to the south and further south are areas zoned “Open Space” and “Residential (Group B)1” respectively on the OZP; and
- (d) except for the open storage yards and warehouses located at the subject “OU(SW)” zone, the parking of trucks in the vicinity is suspected

unauthorised development (UD) subject to enforcement action taken by the Planning Authority.

## **8. Planning Intention**

The planning intention of the “OU(SW)” zone is for multi-storey buildings to house the brownfield operations that could not be accommodated in conventional flatted factory buildings (i.e. storage of goods or operations that involve bulky and heavy goods/machinery and require high headroom).

## **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) Should planning approval be given to the planning application, the lot owner(s) will need to apply to her office to permit the structures to be erected or to 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 Tong Tai 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 applicant is 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 Tong Tai Road.

**Environment**

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

Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest Code of Practice to minimise any potential environmental nuisances on the surrounding areas.

**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 proposed development 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 proposal subject to fire service installations (FSIs) being provided to his satisfaction.
- (b) In consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the applicant should be advised of the detailed comments at **Appendix III**.

### **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 applicant should be reminded of the detailed comments at **Appendix III**.

### **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 “Planning and Engineering Study for Housing Sites in YLS – Investigation”. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls partly within an area zoned “Other Specified Uses (Storage Use)” (“OU(SU)”), partly within an area zoned “Amenity” (“A”) and partly within an area shown as ‘Road’.
- (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 5 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 for temporary use for two years.
- (b) A small portion of the southern part of the Site falls within the boundary of YLS Development – Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council’s (ExCo’s) authorisation on land resumption and Finance Committee’s (FC’s) funding approval of the project.
- (c) The majority of the Site falls within the boundary of YLS Development – Stage 2 Phase 1. Based on the latest programme of the project, the land clearance at the concerned part of the Site is planned to commence in mid 2022 subject to ExCo’s

authorisation on land resumption and FC's funding approval of the project by Q4 2021 and Q1 2022 respectively. The programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. Should the planning application be approved, the applicant should be advised that the Site might be subject to land resumption for the implementation of the YLS Development – Stage 2 which might take place at any time before the expiry of the temporary planning permission. No substantial works should be carried out in view of the planned YLS Development – Stage 2. His department will give sufficient notice to relevant department(s) for early resumption of the Site if his department's works commence early.

### **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 feedback from locals.

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

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

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

On 9.4.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, four public comments were received from individuals. Three individuals (**Appendices II-I to II-3**) objected to the application on the grounds that the proposal will cause adverse traffic and environmental impacts, fire safety risks and/or affect the surrounding living environment. The remaining individual raised concerns on the potential adverse traffic impact arising from the proposal (**Appendix II-4**).

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

11.1 The application is for proposed temporary shop and services (vehicle parts) with ancillary vehicle repair workshop for a period of five years at the Site mainly zoned "OU(SW)" (about 89.3%) and partly within an area shown as 'Road' (about 10.7%) on the OZP. Although the proposal is not entirely in line with the planning intention of the "OU(SW)" zone and falls partly within an area zoned "OU(SU)", "A" and area shown as 'Road' on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and the applicant is fully aware of the upcoming YLS Development. While PM(W), CEDD has no objection to the application for temporary use for two years, it is noted that the programme of land resumption would follow the project programme notwithstanding the validity

period of the planning permission to be granted. In this regard, approval of the application on a temporary basis of five years would not jeopardise the long-term development of the Site. Should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of YLS Development – Stage 2.

- 11.2 The surrounding area comprises predominantly warehouses and open storage yards (**Plan A-2**). While there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment from concerned government departments, including C for T, DEP and CE/MN, DSD. It is anticipated that no significant impact on traffic, environmental and drainage aspects would be caused from the proposed use. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address the local concerns and the technical requirements of concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will be advised to follow the relevant environmental mitigation measures in the latest Code of Practice in order to minimise any potential environmental impact on the surrounding areas.
- 11.4 There were four public comments received during the statutory publication period 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 comments summarised 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 5 years until 14.5.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;



- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (f) 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 14.11.2021;
- (g) in relation to (f) 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 14.2.2022;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) 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 14.11.2021;
- (j) in relation to (i) 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 14.2.2022;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (h) 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
- (l) if any of the above planning conditions (f), (g), (i) or (j) 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 III**.

- 12.3 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(SW)" zone which is primarily for multi-storey buildings to house the brownfield operations that could not be accommodated in conventional flatted factory buildings. No strong planning justification has been given in the submission to justify 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**

<b>Appendix I</b>	Application Form with plans received on 25.3.2021
<b>Appendix Ia</b>	FI received on 10.5.2021
<b>Appendices II-1 and II-4</b>	Public Comments received during the Statutory Publication Period
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Section Plan
<b>Drawing A-4</b>	Internal Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2021**