

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1106

- Applicant** : Ms. Tang Yuet Hing represented by Top Bright Consultants Ltd.
- Site** : Lots 1040 (Part) and 1042 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 1,124 m² (about) (including GL of about 159 m² or 14.1%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14 currently in force

Draft Tong Yan San Tsuen OZP No. S/YL-TYST/13 at the time of submission
- Zoning** : “Undetermined” (“U”)
[No change to the “U” zone]
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Event Supplies and Equipment with Ancillary Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary warehouse for storage of event supplies and equipment with ancillary site office for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP for the “U” zone, all uses or development 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 with valid planning permission under application No. A/YL-TYST/917 (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site involves five previous applications for various temporary uses. The last application (No. A/YL-TYST/917) for the same warehouse use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 21.9.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid up to 21.9.2021. Compared with the last application, the current application is submitted by the same applicant for the same

use at the same site with the same site layout and development parameters.

- 1.3 According to the applicant, the temporary warehouse is for storage of event supplies and equipment. No open storage and workshop activities will be carried out at the Site. No medium and heavy goods vehicles, including container trailers/tractors, will enter the Site. Plans showing the site layout with vehicular access leading to the Site, landscape and tree preservation proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TYST/917, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/917	Current Application No. A/YL-TYST/1106
Applied Use	Temporary Warehouse for Storage of Event Supplies and Equipment with Ancillary Site Office for a Period of 3 Years	
Site Area	About 1,124 m ² (including GL of about 159 m ²)	
Total Floor Area (Non-domestic)	About 739.5 m ²	
No. and Height of Structures	3 • for warehouse with site office, fire service water tank and fire service pump room (2.6m-5m, 1 storey)	
No. of Loading/Unloading Space	1 (for light goods vehicle) (3.5m x 7m)	
Operation Hours	9:00 a.m. to 6:00 p.m., with no operation on Sundays and public holidays	

- 1.5 In support of the application, the applicant has submitted the following documents:

- | | |
|--|------------------------|
| (a) Application Form received on 21.7.2021 | (Appendix I) |
| (b) Supplementary Planning Statement | (Appendix Ia) |
| (c) Further Information (FI) received on 25.8.2021 | (Appendix Ib) |
| (d) FI received on 31.8.2021 | (Appendix Ic) |
| (e) FI received on 2.9.2021 | (Appendix Id) |
- [(c) to (e) 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 Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

- (a) The applied use is in line with the planning intention of the “U” zone. A number of similar applications for warehouse use have been approved within the same “U” zone, indicating that the Site is suitable for warehouse use.
- (b) The Site falls within Yuen Long South (YLS) Development Stage 3, where clearance of the Site and its surrounding area will not be realised within the next

36 months. The temporary warehouse use would not frustrate the future development of the area.

- (c) The surrounding developments are mainly warehouses and open storage yards, which are similar in nature to the applied use. The applied use is thus compatible with the surrounding land uses.
- (d) All approval conditions imposed on the last planning approval (No. A/YL-TYST/917) had been complied with and favourable consideration may be given by the Board to the current application.
- (e) There will be no adverse environmental, visual, drainage or traffic impacts arising from the applied use. The Site has been paved and fenced. Existing drainage facilities and FSIs serving the Site have been provided and will be properly maintained by the applicant.

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

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

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves five previous applications for various temporary uses (No. A/YL-TYST/204, 369, 498, 671 and 917). The first application was for temporary organic waste recycle research facility and the latter four applications were for temporary warehouse uses. All previous applications were approved by the Committee between 2003 and 2018. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-TYST/204 was approved with conditions for a period of 3 years by the Committee on 7.11.2003 mainly on the considerations that significant impacts on the surrounding areas were not anticipated; government departments had

no adverse comment on the application; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning approval was later revoked in 2006 due to non-compliance with approval conditions.

- 6.3 Applications No. A/YL-TYST/369, 498, 671 and 917 were approved with conditions each for a period of 3 years by the Committee between 2007 and 2018, mainly on the considerations that the proposals were not in conflict with the planning intention of the “U” zone; not incompatible with the surrounding uses; the proposals would not frustrate the long-term development of the area; significant impacts on the surrounding areas were not anticipated; and the concerns of relevant government departments could be addressed by imposing approval conditions. Whilst the planning approval granted under application No. A/YL-TYST/369 was subsequently revoked in 2010 due to non-compliance with approval conditions, all the approval conditions imposed on the planning permissions for applications No. A/YL-TYST/498, 671 and 917 had been complied with and the planning permission of the last application is valid up to 21.9.2021.
- 6.4 Compared with the last application (No. A/YL-TYST/917), the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters.

7. Similar Applications

- 7.1 A total of 94 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 IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 94 similar planning applications, 90 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 29 of them were revoked due to non-compliance with approval conditions.
- 7.3 The remaining four planning applications (No. A/YL-TYST/922, 926, 943 and 1082) were rejected by the Committee between 2018 and 2021 on the grounds that approval of applications with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system.
- 7.4 For Members’ information, application No. A/YL-TYST/1105 for temporary warehouse for storage of electronic goods and open storage of building materials and construction machinery with ancillary workshop activities for a period of 3 years within the same “U” zone will also be considered at this meeting (**Plan A-1a**).

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

- 8.1 The Site is:
- (a) accessible from Kung Um Road to its east via a local track (**Drawing A-1**,

Plans A-2 and A-3);

- (b) paved and fenced off; and
- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/917 (**Plans A-2, A-4a and A-4b**).

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

- (a) comprise predominantly of warehouses and open storage/storage yards, with scattered residential structures, parking of vehicles, vehicle repair workshops, shrubland, a residential care home for elderly (RCHE), orchard and vacant land/ structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate west;
- (c) to the further southwest of the Site is an area zoned “Other Specified Uses” (“OU”) annotated “Sewage Treatment Works” on the OZP; and
- (d) except for four warehouses and an open storage/storage yard operating with valid planning permissions (No. A/YL-TYST/966, 983, 1021, 1088 and 1057) and the RCHE in the vicinity, the other open storage/storage yards, parking of vehicles and vehicle repair workshops in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

9. Planning Intention

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in 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.

10. Comments from Relevant Government Departments

- 10.1 The following Government departments have been consulted and their views on the application, where relevant, are summarised as follows:

Land Administration

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

- (a) The Site comprises GL and 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) No permission is given for the occupation of GL (about 159m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Lot Nos. 1040 (Portion) and 1042 (Portion) in D.D. 119 within the Site are covered by Short Term Waiver (STW) Nos. 3576 and 3578 respectively to permit structures erected thereon for the purpose of "Warehouse for storage of aluminium scaffolds".
- (d) 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. Besides, given the applied use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Furthermore, the applicant has to either exclude the GL from the Site or apply for a formal approval prior to the actual occupation of the GL. 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

10.1.2 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 should 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.

10.1.3 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

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

- (a) There are no substantiated environmental complaints concerning the Site received in the past three years.
- (b) Should the application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) and to minimise any potential environmental nuisance on the surrounding area.

Drainage

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

- (a) He has no objection in principle to the proposed development and the condition record submitted by the applicant (**Appendix Id**) is considered acceptable.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval condition requiring the maintenance of the existing drainage facilities should be stipulated. The applicant should be reminded of the detailed comments at **Appendix VI**.

Building Matters

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

- (a) As there is no record of approval 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 VI**.

Fire Safety

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

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Long-Term Development

10.1.8 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 partly within an area zoned “Green Belt (1)” (“GB(1)”) and partly within an area zoned “OU”.
- (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.

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

- (a) He has no objection to the subject 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

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

His office has not received any comment from the locals on the subject application.

10.2 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).

11. Public Comment Received During Statutory Publication Period

On 30.7.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received objecting to the application mainly on the grounds that the applied use will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V**).

12. Planning Considerations and Assessment

- 12.1 The application is for renewal of planning approval for temporary warehouse for storage of event supplies and equipment with ancillary site 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 falls within an area zoned “GB(1)” and “OU” 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.
- 12.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards (**Plan A-2**). Although there are residential structures in the vicinity, the proposal is generally not incompatible with the surrounding uses.
- 12.3 The application is generally in line with TPB PG-No. 34D in that approval of the application would not pre-empt the long-term development of the Site; all the time-limited approval conditions under the last application No. A/YL-TYST/917 had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 There is no adverse comment on the application from concerned government departments, including C for T, CE/MN, DSD and DEP. Adverse traffic, drainage and environmental impacts arising from the proposal are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other 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 also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.5 Given that four previous approvals for warehouse uses have been granted to the Site and 90 similar applications have been approved within/straddling the subject “U” zone since 2015, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 There is one public comment received objecting to the application during the statutory publication period as summarised in paragraph 11. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of event supplies and equipment with ancillary site office could be tolerated for a further period of 3 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 3 years and be renewed from 22.9.2021 to 21.9.2024. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 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 open storage or workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) 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;
- (e) all existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (g) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period; and
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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.

[Approval conditions (a) to (g) are the same as those under the permission for application No. A/YL-TYST/917, the condition on queue back/reverse movement of vehicle is prescribed as an advisory clause, and the reinstatement condition is deleted to accord with the department's latest requirements.]

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of the application.

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

Appendix I	Application Form received on 21.7.2021
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 25.8.2021
Appendix Ic	FI received on 31.8.2021
Appendix Id	FI received on 2.9.2021
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within/straddling the “U” zone on the OZP since 2015
Appendix V	Public Comment received during the Statutory Publication Period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Site Layout with Vehicular Access Plan
Drawing A-2	Landscape and Tree Preservation Proposal
Drawing A-3	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**