

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

APPLICATION NO. A/YL-TYST/1112

- Applicant** : Mr. TAM Fung Lam represented by Goldrich Planners & Surveyors Limited
- Site** : Lots 1198 S.E (Part), 1223 RP (Part) and 1224 RP (Part) in D.D. 119 and Adjoining Government Land (GL), Kung Um Road, Yuen Long
- Site Area** : 453 m² (about) (including GL of about 24 m² or 5.3%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14 currently in force

Draft TYST 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 Storage of Advertisement Material with Ancillary Workshop 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 storage of advertisement material with ancillary workshop 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/916 (**Plans A-2 and A-4**).
- 1.2 The Site involves six previous applications for various temporary uses (**Plan A-1b**). The last application (No. A/YL-TYST/916) for the same 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 have been complied with and the planning permission is valid up to 9.10.2021. 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, ancillary workshop for cutting of glass will be carried out at the Site only if necessary. No open storage activities will be carried out at the Site. Transportation of goods will mainly be via light goods vehicle, while medium and heavy goods vehicles will occasionally be used. Plans showing the vehicular access leading to the Site, site layout, landscape proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TYST/916, which are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/916	Current Application No. A/YL-TYST/1112
Applied Use	Temporary Storage of Advertisement Material with Ancillary Workshop for a Period of 3 Years	
Site Area	About 453 m ²	
Total Floor Area (Non-domestic)	About 222.3 m ²	
No. and Height of Structures	3 • for storage with ancillary workshop, storeroom and toilet (2.3m-4.8m, 1 storey)	
No. of Loading/ Unloading and Parking Space(s)	2 • one for heavy goods vehicle (11m x 3.5m) • one for private car (5m x 2.5m)	
Operation Hours	8:00 a.m. to 7:00 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 with appendix and plans received on 9.8.2021 **(Appendix I)**
 - (b) Supplementary Information received on 17.8.2021 **(Appendix Ia)**
 - (c) Further Information (FI) received on 6.9.2021 **(Appendix Ib)**
 - (d) FI received on 20.9.2021 **(Appendix Ic)**
[(c) and (d) 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 appendix to the Application Form (**Appendix I**). They can be summarised as follows:

- (a) The Site was the subject of five previous planning permissions for similar/the same uses. All approval conditions imposed on the last planning approval (No. A/YL-TYST/916) had been complied with and the applicant would like to seek

renewal of planning approval for a period of 3 years to continue the current use. The development parameters of the current application are the same as the previous planning approval.

- (b) The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses”.
- (c) There will be no adverse landscape and drainage impacts arising from the applied use.

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 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 is the subject of six previous applications (No. A/YL-TYST/139, 398, 460, 609, 754 and 916) for various temporary uses. Details of the application are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application (1 Case)

- 6.2 Application No. A/YL-TYST/139 for temporary open storage of construction materials for a period of 2 years was rejected by the Committee in 2001 on the grounds that the applied use was not compatible with the surrounding area and there were potential adverse environmental and drainage impacts.

Approved Applications (5 Cases)

- 6.3 Application No. A/YL-TYST/398 for temporary vehicle repair workshop and applications No. A/YL-TYST/460, 609, 754 and 916 for the same use as the current application were all approved with conditions by the Committee between 2008 and 2018 each for a period of 1 or 3 years, mainly on the considerations that the developments were not incompatible with the surrounding land uses; approval of the temporary uses would not frustrate the long-term use of the area; and the concerns of relevant government departments could be addressed by means of approval conditions. All the time-limited approval conditions imposed on the last applications (No. A/YL-TYST/916) have been complied with and the planning permission is valid until 9.10.2021.
- 6.4 Compared with the last application (No. A/YL-TYST/916), 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 95 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 95 similar planning applications, 91 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, applications No. A/YL-TYST/1108 for temporary warehouse for storage of stage equipment and A/YL-TYST/1109 for proposed temporary warehouse for storage of stage equipment each 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-4)

- 8.1 The Site is:
- (a) abutting Kung Um Road to its south-east (**Plan A-2**);
 - (b) paved and fenced off; and

- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/916 (**Plan A-4**).

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

- (a) comprise predominantly of open storage/storage yards and warehouses, with scattered residential structures, a refuse collection point, a private garden, vacant structures and unused land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 20m to its southwest (**Plans A-2**);
- (c) to the east of the Site across a nullah flanked by Kung Um Road and Pak Sha Shan Road is an area zoned “Other Specified Uses” (“OU”) annotated “Rural Use” and shown as ‘Road’ on the Approved Tai Tong OZP No. S/YL-TT/18; and
- (d) except for five warehouses operating with valid planning permissions (No. A/YL-TYST/932, 1038, 1053, 1070 and 1094), as well as two other warehouses, a storage yard and a private garden in the vicinity, the remaining warehouses and open storage/storage yards in the vicinity are suspected unauthorised development (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 Yuen Long South (YLS) – Investigation” (the YLS Study), this area of “U” zone 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 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) Within the Site, the GL is currently covered by Short Term Tenancy (STT) No. 3092, while some private lots are currently covered by Short Term Waivers (STWs). Please refer to the details at **Appendix V**.
- (c) Should planning approval be given to the subject planning application, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT conditions where appropriate and 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 applied 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

10.1.2 Comments of the Commissioner for Transport (C for T):

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):

Adequate drainage measures should be provided to prevent surface water running from the Site to nearby public roads and drains.

Environment

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

- (a) She does not support the application as there are residential uses in the vicinity (with the nearest one located about 20m to its southwest) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There was no substantiated environmental complaint concerning the Site received in the past 3 years.
- (c) 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 on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice) to minimise any potential environmental nuisances.

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 Ia**) 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 V**.

Fire Safety

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

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

Building Matters

10.1.7 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 to the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix V**.

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 partially within an area zoned as “Local Open Space” (“LO”) and partially 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 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 northwestern part of 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.
- (c) The southeastern 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 authorisation on land resumption and Finance Committee's funding approval of the project. Land clearance operation is tentatively targeted to commence in 2024. Thus, the applicant shall be advised not to carry out any substantial works within the southeastern part of the Site in view of the planned YLS Development – Stage 2 Phase 2.

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) 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).

11. Public Comment Received During the Statutory Publication Period

On 17.8.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary storage of advertisement material with ancillary workshop 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 partly zoned “LO” and partly shown as ‘Road’ 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. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site.
- 12.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards (**Plan A-2**). Although there are residential uses in the vicinity, the applied use is generally not incompatible with the surrounding uses in the area.
- 12.3 The application is in line with TPB PG-No. 34D in that there has been no material change in planning circumstances since the previous approval; 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/916 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, except DEP. 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 about 20m to the southwest of the Site (**Plan A-2**); environmental nuisance is expected. However, there has been no environmental complaint concerning the Site received in the past 3 years. To address the concerns on the possible environmental nuisances generated by the temporary use and the technical concerns of other concerned Government departments, relevant approval conditions are recommended in paragraph 13.2 below. 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 Code of Practice in order to minimise any potential environmental impact on the surrounding areas.
- 12.5 Given that four previous approvals for storage use have been granted to the Site and 91 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 no public comment received on the application during the statutory publication period.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department considers that the temporary storage of advertisement material with ancillary workshop 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 10.10.2021 to 9.10.2024. 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 8:00 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 workshop activities, except ancillary glass cutting, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no container tractor/trailer, as defined in the Road Traffic Ordinance, is 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) no vehicle is allowed to queue back to or reverse onto/form public road at any time during the planning approval period;
- (f) all existing trees and landscape plantings within the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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
- (i) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) 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.

[Approval conditions (a) to (g) are the same as those under the permission for application No. A/YL-TYST/916, condition (h) has been updated as per the current proposal, and the no open storage and reinstatement clauses are deleted to accord with the department's latest requirements.]

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 Members' reference:

the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

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 with appendix and plans received on 9.8.2021
Appendix Ia	Supplementary Information received on 17.8.2021
Appendix Ib	FI received on 6.9.2021
Appendix Ic	FI received on 20.9.2021
Appendix II	Relevant extract of TPB PG-No. 34D
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the subject "U" zone since 2015
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Landscape and Tree Preservation Proposal
Drawing A-4	Drainage Proposal
Drawing A-5	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

Plan A-4 Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2021**