

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1135

- Applicant** : Hang Sing Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1415 RP, 1416 RP, 1426 (Part) and 1427 (Part) in D.D. 119 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 818 m² (including GL of about 94 m² or 11.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group A)3” (“R(A)3”) (about 74.4%); and
[restricted to a maximum plot ratio of 7 and maximum building height of 160mPD]

area shown as ‘Road’ (about 25.6%)
- Application** : Proposed Temporary Warehouse for Storage of Brand New Electronic Goods for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary warehouse for storage of brand new electronic goods for a period of 3 years (**Plan A-1a**). The Site mainly falls within an area zoned “R(A)3” (about 74.4%) and partly within an area shown as ‘Road’ (about 25.6%) on the OZP. Although the proposed use is neither a Column 1 or 2 use in the “R(A)” zone, according to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. 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 occupied by largely vacant structures (**Plans A-2 to A-4**).
- 1.2 The Site involves seven previous applications for various temporary uses (**Plan A-1b**). The last application (No. A/YL-TYST/969) for temporary warehouse for

storage of stage equipment was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 2.8.2019. However, the planning permission was revoked on 2.11.2021 due to non-compliance with approval conditions on the submission and implementation of fire service installations (FSIs) proposal. Compared with the last application, the current application is submitted by the same applicant for similar use on the same site and with the same site layout and development parameters.

- 1.3 According to the applicant, the proposal is for storage of electronic goods (including tablets and mobile phones, etc.). No storage or handling of electronic waste (including loading and unloading (L/UL) of used electrical appliances and computer/electronic parts (including cathode-ray tubes)) will be carried out at the Site. No medium, heavy goods vehicle and container trailer/tractor are allowed to access the Site. No workshop activity will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, as-built drainage proposal and FSIs proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the current application and the previously approved application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/969 (a)	Current Application No. A/YL-TYST/1135 (b)	Difference (b)-(a)
Applied/Proposed Use	Temporary Warehouse for Storage of Stage Equipment for a Period of 3 Years	Proposed Temporary Warehouse for Storage of Brand New Electronic Goods for a Period of 3 Years	Change in storage item
Site Area	About 818 m ²		---
Total Floor Area (Non-domestic)	About 418 m ²		---
No. and Height of Structures	2 • for warehouses, site office and toilet (6.5m, 1-2 storeys)		---
No. of Parking Spaces	Nil		---
No. of L/UL Space(s)	2 (7m x 3.5m each) (for light goods vehicles)		---
Operation Hours	9:00 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 annex and plans received on 3.12.2021 **(Appendix I)**
- (b) Further Information (FI) received on 13.1.2022 **(Appendix Ia)**
- (c) FI received on 19.1.2022 **(Appendix Ib)**
[(b) and (c) 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 (**Appendix I**). They can be summarised as follows:

- (a) The Site is subject to seven previous planning permissions since 2006. The proposed use of the current application is the same as the previous planning permission.
- (b) The proposed development conforms to the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The proposed use could be tolerated until commencement of land resumption works for Yuen Long South (YLS) Development.
- (c) The temporary proposal would not jeopardise the long-term planning intention. A number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. The proposal is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in TYST.
- (d) There will be minimal environmental, drainage or traffic impacts arising from the proposed 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 notices and sending the notice to Ping Shan 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. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site involves seven approved previous applications (No. A/YL-TYST/326, 340, 425, 590, 730, 794 and 969) for various temporary warehouse or open storage uses covering different extents of the Site¹. All seven applications were approved with conditions each for a period of 2 or 3 years by the Committee between 2006 and 2019. The applications were approved mainly on the considerations that the proposals were generally not incompatible with the surrounding areas; and departmental concerns could be addressed by imposing approval conditions. However, the planning permissions for applications No. A/YL-TYST/326, 730 and

¹ All the application sites were zoned “Undetermined” on previous versions of the OZPs at the time of consideration by the Committee.

969 were subsequently revoked between 2007 and 2021 due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

- 5.2 Compared with the last application (No. A/YL-TYST/969), the current application is submitted by the same applicant for similar warehouse use on the same site with the same site layout and development parameters.

6. Similar Application

There is no similar application within the subject “R(A)3” zone.

7. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.

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

8.1 The Site is:

- (a) accessible via a local track leading from Shan Ha Road to its north (**Drawing A-1**);
- (b) fenced off and partly paved; and
- (c) currently occupied by largely vacant structures (**Plan A-4**).

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

- (a) comprise predominately warehouses and open storage/storage yards with scattered residential structures, car parks, car servicing, vehicle workshop, orchards and shrubland;
- (b) there are residential structures in the vicinity of the Site with the nearest one located 10m to its west; and
- (c) except for five open storage/storage yards with valid planning permissions (No. A/YL-TYST/995, 1001, 1003, 1102 and 1111), the remaining warehouses, open storage/storage yards, car parks, car servicing and vehicle workshop in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

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 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 occupation of GL (about 94 m² subject to verification) included in the Site. Any occupation of GL without Government's prior approval is not allowed.
- (c) Lots No. 1415 RP and 1416 RP in D.D. 119 are covered by Short Term Waivers (STWs) No. 4592 and 3635 respectively to permit structures erected thereon for the purpose of 'Temporary Warehouse for Storage of Brand New Electronic Goods' and 'Open Storage of Metal Ware and Plastic Goods including Containers and Road Signs'.
- (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 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 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. 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

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

- (a) The local track leading to the Site is not under her purview. The applicant shall obtain consent of the owner(s)/relevant parties of the local track for using it as the vehicular access to the Site.
- (b) The applicant should be reminded of the detailed comments at **Appendix IV**.

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

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

- (b) The access road connecting the Site with Shan Ha Road is not and will not be maintained by his office. His office shall not be responsible for maintaining any access connecting the Site and Shan Ha 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 on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” (Code of Practice) to minimise any potential environmental nuisances.

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.
- (b) Based on the drainage proposal enclosed in the application (**Drawing A-3**), apparently the applicant would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/969.
- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/969 and the submission of records of the existing drainage facilities on the site 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 FSIs being provided to his satisfaction.
- (b) The applicant should be reminded of the general comments at **Appendix IV**. 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 applicant should be reminded of the detailed comments at **Appendix IV**.

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 “Planning and Engineering Study for Housing Sites in YLS – Investigation” (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 “Special Residential – Zone 1 – Public Rental Housing (with Commercial)” (“RS(1)c”) 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 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) However, 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 reminded that extension of the planning permission may not be supported in future and shall be advised not to carry out any substantial works in view of the planned YLS Development – Stage 2 Phase 2.

District Officer’s Comments

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

His office has not received any comment from the locals.

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

- (a) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD); and
- (b) Commissioner of Police (C of P).

10. Public Comments Received During the Statutory Publication Period

On 10.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments were received. One individual and the village representative of Shan Ha Tsuen object to the application mainly on the grounds that the proposed use will generate adverse traffic, environmental, hygiene and fire safety impacts on the surrounding area (**Appendices III-1 and III-2**). Another individual questions the revocation history of the previous planning permission (**Appendix III-3**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of brand new electronic goods at the Site mainly zoned “R(A)3” and partly shown as ‘Road’ on the OZP. The planning intention of the “R(A)” zone is primarily for high-density residential developments. Although the proposed use is not in line with the aforesaid planning intention and the Site falls within an area zoned “RS(1)c” and shown as ‘Road’ on the Revised RODP of YLS under YLS Development Stage 2 Phase 2, CE/CID, PlanD does not raise objection 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 area.
- 11.2 While there are scattered and isolated residential structures in the vicinity, the proposed use is generally not incompatible with the predominant warehouses and open storage/ storage yard uses currently existing in the area (**Plan A-2**).
- 11.3 There is no adverse comment from concerned government departments, including C for T, DEP, D of FS and CE/MN, DSD. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 12.2 to address 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 is no similar application within the subject “R(A)3” zone. Given that seven previous approvals for various temporary storage uses, including warehouse, have been granted to the Site since 2006, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 The last application (No. A/YL-TYST/969) for similar warehouse use as the current application was approved with conditions for a period of 3 years by the Committee on 2.8.2019. However, the planning permission was revoked on 2.11.2021 due to non-compliance with time-limited approval conditions on submission and implementation of FSIs proposal. The current application is submitted by the same applicant with the same layout and development parameters. Nevertheless, the applicant has submitted FSIs proposal for the current application and D of FS have no in-principle objection to the application. As such, sympathetic consideration

may be given to the current application. Should the application be approved, shorter compliance periods are recommended in order to closely monitor the progress on compliance with associated approval conditions. The applicant will also be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further applications.

- 11.6 There are three public comments objecting to/providing comments on the application as summarised in paragraph 10 above. 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 mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary warehouse for storage of brand new electronic goods could be tolerated for a period of 3 years.
- 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 3 years until 28.1.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no medium or heavy goods vehicle, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to enter/exit the Site, as proposed by the applicant, at any time during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of a condition record of the existing drainage facilities on the site 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 28.4.2022;
- (d) 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 28.4.2022;
- (e) in relation to (d) above, the implementation of the 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 28.7.2022;
- (f) if any of the above planning condition (a) or (b) 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

- (g) if any of the above planning condition (c), (d) or (e) 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 IV**.

- 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 "R(A)" zone which is primarily for high-density residential developments. 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

Appendix I	Application Form annex and plans received on 3.12.2021
Appendix Ia	FI received on 13.1.2022
Appendix Ib	FI received on 19.1.2022
Appendix II	Previous Applications covering the Site
Appendices III-1 to III-3	Public Comments received during the Statutory Publication Period
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan

Plan A-3 Aerial Photo

Plan A-4 Site Photos

**PLANNING DEPARTMENT
JANUARY 2022**