

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

**APPLICATION NO. A/YL-TYST/1141**

- Applicant** : Ms. YEUNG Panya represented by Metro Planning & Development Company Limited
- Site** : Lots 1117 (Part), 1118 S.A (Part), 1118 S.B (Part) and 1118 S.C (Part) in D.D. 119, Yuen Long, New Territories
- Site Area** : 1,740 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Proposed Temporary Warehouse for Storage of Electronic Goods and Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of electronic goods and construction materials for a period of 3 years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP, all uses or development within the “U” zone except those specified in the Notes require planning permission from the Town Planning Board (the Board). The Site is currently undergoing construction works (**Plans A-2 and A-4**) and is not involved in any previous application.
- 1.2 The Site is accessible from Kung Um Road via a local track. According to the applicant, the proposal is for storage of electronic goods (including mobile phones and tablets) and construction materials (including pipes, metal and sanitary ware, etc.). No medium or heavy goods vehicles, including container trailer/tractor, will be allowed to access the Site. Plans showing the vehicular access leading to the Site, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

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

|                                    |  |
|------------------------------------|--|
| Site Area                          | About 1,740 m <sup>2</sup>   |
| Total Floor Area (Non-domestic)    | Not more than 980 m <sup>2</sup>   |
| No. and Height of Structures       | 6<br>• for warehouses, site office and toilet (3-11m, 1-2 storey(s))     |
| No. of Parking Space(s)            | 2<br>(5m x 2.5m each) (for private cars)                                 |
| No. of Loading/ Unloading Space(s) | 2<br>(7m x 3.5m each) (for light goods vehicles)                         |
| Operation Hours                    | 9:00 a.m. to 5:00 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 annexes and plans received on 23.12.2021 (Appendix I)
- (b) Further Information (FI) received on 25.1.2022 (Appendix Ia)  
*[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 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.
- (b) The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F).
- (c) There will be minimal traffic, environmental and drainage 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 notices 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.

#### **4. Background**

The Site is currently not subject to planning enforcement action.

#### **5. Previous Application**

There is no previous planning application concerning the Site.

#### **6. Similar Applications**

- 6.1 A total of 79 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” zone had been considered by the Rural and New Town Planning Committee (the Committee) of the Board since 2017. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 Out of the 79 similar applications, 75 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 20 of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining four 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 application 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. Planning Intention**

- 7.1 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.
- 7.2 According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the YLS Study), this area falls within the remaining stages of the YLS Development and the existing operations would be gradually phased out in stages.

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

- 8.1 The Site is:
  - (a) accessible from Kung Um Road to its east via a local track (**Drawing A-1** and **Plan A-3**);

- (b) fenced off and paved; and
- (c) currently undergoing construction works (**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, a club house for motor cars, vehicle repair workshops, parking of vehicles, a temple, graves, burial urns, ponds, shrubland and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate northeast;
- (c) to the east and southwest are areas zoned “Other Specified Uses” annotated “Sewage Treatment Works” and “Green Belt” respectively on the OZP; and
- (d) except for two warehouses and two open storage/storage yards with valid planning permissions (No. A/YL-TYST/945, 955, 1041 and 1048), the remaining warehouses, open storage/storage yards, club house, vehicle repair workshops and parking of vehicles 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 comment, 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 application, the lot owner(s) will need to apply to her office to permit 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):

The local track leading to the Site is not under her preview. 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):

The applicant should be reminded of the detailed comments at **Appendix IV**.

### **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 Aspects of Temporary Uses and Open Storage Sites” (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 from the public drainage point of view. The applicant should note the detailed comments on the submitted drainage proposal and other general comments at **Appendix IV**.
- (b) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring submission, implementation and maintenance of a revised 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 reminded of the detailed comments at **Appendix IV**.

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

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

- (a) He has no objection to the application.
- (b) Based on the preliminary project boundary of the proposed YLS Development, the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and the detailed implementation programme with phasing and packaging of works for YLS Development – Stage 3 is being formulated.
- (c) Besides, the vehicular access to the Site, as shown in the submission (**Drawing A-1**), 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 the proposed vehicular access to the Site would be in conflict with the proposed works under the project. Future access to the Site shall be proposed by the applicant for his agreement in due course.

#### **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 Comment Received During the Statutory Publication Period**

On 31.12.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds that the proposed use will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix III**).

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

- 11.1 The application is for proposed temporary warehouse for storage of electronic goods and construction materials at the Site zoned "U" on the OZP. The proposed use is generally not in conflict with the planning intention of the "U" zone which is to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises. The area is designated as "U" 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. Under the Revised RODP of YLS, the Site falls within an area zoned "OU(HRCST)" under Stage 3 of YLS Development. However, CE/CID, PlanD and PM(W), CEDD have no objection to the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 11.2 The surrounding area comprises predominantly warehouses and open storage/storage yards (**Plan A-2**). While there are residential structures in the vicinity, the proposed use is generally not incompatible with the surrounding uses in the area.
- 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 below to minimise any potential environmental nuisances or 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 also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.

- 11.4 There is no previous application concerning the Site. Given that 75 similar applications within/straddling the subject “U” zone have been approved since 2017, approval of the current application is generally in line with the Committee’s previous decisions. There were four similar applications in the subject “U” zone rejected on the grounds that approval of the applications with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses. However, such considerations are not applicable to the current application as the Site is not involved in any previous application.
- 11.5 There is one public comment objecting to the application received as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary warehouse for storage of electronic goods and construction materials 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 18.2.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) the submission of a revised 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 18.8.2022;
- (b) in relation to (a) above, the implementation of the revised 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 18.11.2022;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 18.8.2022;
- (e) in relation to (d) 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 18.11.2022;

- (f) if the above planning condition (c) 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 (a), (b), (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 There is no strong reason to recommend rejection of the application.

**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 annexes and plans received on 23.12.2021            |
| <b>Appendix Ia</b>  | FI received on 25.1.2022  |
| <b>Appendix II</b>  | Similar Applications within/straddling the “U” Zone on the OZP since 2017 |
| <b>Appendix III</b> | Public Comment received during the Statutory Publication Period           |
| <b>Appendix IV</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>  | Drainage Proposal   |
| <b>Plan A-1</b>     | Location Plan with Similar Applications                                   |
| <b>Plan A-2</b>     | Site Plan   |
| <b>Plan A-3</b>     | Aerial Photo  |
| <b>Plan A-4</b>     | Site Photos   |

**PLANNING DEPARTMENT  
FEBRUARY 2022**