

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

**APPLICATION NO. A/YL-TYST/1144**

- Applicants** : Wing Shing Caisson & Foundation Limited and Thousand Bay Industries Limited
- Site** : Lots 1231 S.A ss. 1 (Part) and 1231 S.B RP (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 1,230 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Machinery for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicants seek renewal of planning approval for temporary open storage of construction machinery 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 largely vacant (**Plans A-2 and A-4**).
- 1.2 The Site involves eight previous applications for the same use as the current application at the same site (**Plan A-1**). The last application (No. A/YL-TYST/944) was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 22.2.2019. All the time-limited approval conditions of the planning permission had been complied with and the planning permission is valid until 1.3.2022. Compared with the last application, the current application is submitted by the same applicants for the same use at the same site with the same site layout and development parameters albeit with shorter operation hours.

- 1.3 The Site is accessible from Kung Um Road via a local track (**Drawing A-1**). According to the applicants, the proposal is for open storage of construction machinery in support of their business operation. Plans showing the vehicular access leading to the Site, site layout with tree preservation proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicants are at **Drawings A-1** and **A-4** respectively.
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TYST/944 albeit with shorter operation hours, which are summarised as follows:

| Major Development Parameters                 | Previously Approved Application No. A/YL-TYST/944  | Current Application No. A/YL-TYST/1144                                   |
|--|--|--|
| Applied Use                                  | Temporary Open Storage of Construction Machinery for a Period of 3 Years                 |  |
| Site Area                                    | About 1,230 m <sup>2</sup>   |  |
| Total Floor Area (Non-domestic)              | Nil  |  |
| No. and Height of Structure(s)               | 1<br>• (uncovered steel frame)   |  |
| No. of Loading/ Unloading and Parking Spaces | A central open parking area within the Site for vehicles, including heavy goods vehicles |  |
| Operation Hours                              | 8:00 a.m. to 6:00 p.m., with no operation on Sundays and Public Holidays                 | 9:30 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays |

- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with annexes and plans received on 3.1.2022 **(Appendix I)**
  - (b) Further Information (FI) received on 9.2.2022 **(Appendix Ia)**  
*[exempted from publication and recounting requirements]*

## 2. **Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) The Site is the subject of a previous planning permission. The applicants wish to continue the applied use at the Site and hence submit the current renewal application. The current proposal is the same as the last application (No. A/YL-TYST/944).
- (b) The temporary open storage use at the Site has contributed significantly to the applicants' business operation. The applicants' business would be affected if they are not allowed to continue the open storage use at the Site.

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

The applicants are the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

- 4.1 Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F) are relevant to the application. The Site falls within Category 1 areas under TPB PG-No. 13F promulgated by the Board on 27.3.2020. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 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 also relevant to the application. The relevant assessment criteria are at **Appendix III**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site involves seven approved previous applications and one rejected previous application for the same use as the current application at the same site. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1**.
- 6.2 Application No. A/YL-TYST/233 was approved with conditions for a period of 18 months by the Board on review in 2004 mainly on sympathetic consideration that the development was an extension and improvement of the existing operation located adjacent to the Site; and the concerns of relevant government departments could be addressed by imposing approval conditions.
- 6.3 Application No. A/YL-TYST/279 for minor amendments to the approved scheme under application No. A/YL-TYST/233 involving the addition of an egress point at the southeast of the site was rejected by the Committee in 2005 mainly on the consideration that the proposed arrangement would induce additional vehicular traffic along the access track to the southeast of the site, thereby generating adverse environmental impact on the residential structures located along the access track.
- 6.4 Applications No. 314, 420, 581, 631, 777 and 944 were approved with conditions each for a period 3 years by the Committee between 2006 and 2019, mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13D (or its later version); approval of the application on a temporary basis would not frustrate the long-term development of the area; the proposals were not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permission for application No. A/YL-TYST/581 was subsequently revoked in 2012 due to non-compliance with approval conditions. For the

planning permission under application No. A/YL-TYST/944, all the time-limited approval conditions had been complied with and the planning permission is valid until 1.3.2022.

- 6.5 Compared with the last application (No. A/YL-TYST/944), the current application is submitted by the same applicants for the same use at the same site with the same site layout and development parameters albeit with shorter operation hours.

## **7. Similar Applications**

- 7.1 A total of 25 similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject “U” zone had been considered by the Committee since 2017. All 25 applications were approved by the Committee between 2017 and 2022 each for a period of three years, mainly on similar considerations that the applied uses were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for five of them were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised at **Appendix V** and their locations are shown on **Plan A-1**.
- 7.2 For Members’ information, application No. A/YL-TYST/1142 (for temporary open storage of construction material with ancillary site office for a period of 3 years) within the same “U” zone will also be considered at this meeting (**Plan A-1**).

## **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 (**Plan A-3**); and
  - (b) paved, partly fenced off and currently largely vacant (**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 and vacant land/structures;
  - (b) there are residential structures in the vicinity of the Site with the nearest residence located about 80m to its northeast; and
  - (c) except for three warehouses and one storage yard with valid planning permissions (No. A/YL-TYST/960, 1019, 1022 and 1133) and six other warehouses and open storage/storage yards, the other warehouses and open storage/storage yards in the vicinity are suspected unauthorised developments (UDs) 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 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 and public comment, 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 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, Lots 1231 S.A ss.1 and 1231 S.B RP in D.D. 119 are covered by Short Term Waivers (STWs) No. 3219 and 3220 respectively to permit structures erected thereon for the purpose of “Storage of Construction Machinery and Ancillary Use”.
- (c) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. 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**

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

- (a) The local track leading to the Site is not under her preview. The applicants should be reminded of the detailed comments at **Appendix VII**.

- (b) Should the Board consider that the application is acceptable, an approval condition requiring the submission of a Temporary Traffic Arrangement to the satisfaction of the C for T or of the Board should be stipulated.

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

The applicants should be reminded of the detailed comments at **Appendix VII**.

**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 80m to its northeast) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected.
- (b) There are no substantiated environmental complaints concerning the Site received in the past three years.
- (c) Should the planning application be approved, the applicants 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 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.
- (b) Based on the drainage proposal enclosed in the application, apparently the applicants would maintain the same drainage facilities as those implemented under previous planning application No. A/YL-TYST/944.
- (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/944 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

### **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 FSIs 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 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 related to the application.
- (b) The applicants should be reminded of the detailed comments at **Appendix VII**.

### **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 within an area zoned “Residential – Zone 2 (with Commercial)” (“R2c”).
- (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 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 comments from the locals.

10.2 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).

## **11. Public Comment Received During the Statutory Publication Period**

On 11.1.2022, 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 applied use will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix VI**).

## **12. Planning Considerations and Assessments**

12.1 The application is for renewal of planning approval for temporary open storage of construction machinery at the Site zoned “U” on the OZP. The applied use is generally in line 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, and the area 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. Under the Revised RODP of YLS, the Site falls within an area zoned “R2c” within Stage 3 of YLS Development, 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.

12.2 The surrounding area comprises predominantly warehouses and open storage/storage yards (**Plan A-2**). Although there are residential structures scattered in the vicinity, the applied use is generally not incompatible with the surrounding uses.

12.3 According to TPB PG-No. 13F, the Site falls within Category 1 areas. The following guidelines are relevant:

Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.



- 12.4 The application is generally in line with TPB PG-No. 13F in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; and local concerns and technical requirements of relevant government departments could be addressed through the implementation of approval conditions.
- 12.5 The application is also generally in line with TPB PG-No. 34D in that there has been no material change in planning circumstance since the previous approval was granted; 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/944 had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.6 There is no adverse comment 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 80m to its northeast) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, no environmental complaint concerning the Site was received in the past 3 years. 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 applicants will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas and to keep the Site clean and tidy at all times.
- 12.7 Given that seven previous approvals for the same use have been granted to the Site and 25 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.
- 12.8 There is one public comment objecting to the application received as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 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 summarised in paragraph 11 above, the Planning Department considers that the temporary open storage of construction machinery 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 2.3.2022 to 1.3.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 5:00 p.m. and 9:30 a.m., as proposed by the applicants, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicants, is allowed on the Site during the planning approval period;
- (c) the existing boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a Temporary Traffic Arrangement within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 2.6.2022;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.6.2022;
- (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;
- (h) if any of the above planning condition (a), (b), (c), (e) 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; and
- (i) if any of the above planning condition (d) or (f) 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.

*[Approval conditions (a), (b), (c), (e) and (f) are the same as those under the permission for application No. A/YL-TYST/944; condition (d) is imposed as per TD's comment; condition (g) is updated as per the current proposal; restrictions on specific activities/stored items, landscaping and vehicle types have been removed as per the department's latest requirement; and restriction on queuing and reverse movement of vehicles is now stipulated as an advisory clause.]*

#### Advisory clauses

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

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the applicants fail 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 applicants.

#### **15. Attachments**

|                     |   |
|---------------------|---|
| <b>Appendix I</b>   | Application Form with annexes and plans received on 3.1.2022                      |
| <b>Appendix Ia</b>  | FI received on 9.2.2022   |
| <b>Appendix Ib</b>  | FI received on 14.2.2022  |
| <b>Appendix II</b>  | Relevant Extracts of TPB PG-No. 13F   |
| <b>Appendix III</b> | Relevant Extracts of TPB PG-No. 34D   |
| <b>Appendix IV</b>  | Previous Applications covering the Site   |
| <b>Appendix V</b>   | Similar Applications within/straddling the Subject “U” Zone on the OZP Since 2017 |
| <b>Appendix VI</b>  | Public Comment received during the Statutory Publication Period                   |
| <b>Appendix VII</b> | Recommended Advisory Clauses  |
| <b>Drawing A-1</b>  | Vehicular Access Plan   |
| <b>Drawing A-2</b>  | Site Layout Plan with Tree Preservation Proposal                                  |
| <b>Drawing A-3</b>  | As-built Drainage Plan  |
| <b>Drawing A-4</b>  | FSIs Proposal   |
| <b>Plan A-1</b>     | Location Plan with Previous and 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**