

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

APPLICATION NO. A/YL-TYST/1151

- Applicant** : Wealth Domination Company represented by Metro Planning & Development Company Limited
- Site** : Lots 2361 (Part), 2362 (Part), 2363 (Part), 2364 (Part), 2365 (Part), 2366 RP (Part), 2370, 2371, 2372 (Part) and 2374 (Part) in D.D. 120 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 3,715 m² (about) (including GL of about 24 m² or 0.6%)
- 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** : “Open Space” (“O”) (about 97.3%); and
area shown as ‘Road’ (about 2.7%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Machinery with Ancillary Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of construction machinery with ancillary site office for a period of 3 years at the application site (the Site) (**Plan A-1a**). Although the applied use is neither a Column 1 or 2 use in the “O” zone, according to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of 3 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 Site is currently occupied by the applied use with planning permission lapsed on 23.4.2022 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kung Um Road to its east via a local track (**Plan A-3**). According to the applicant, no workshop activities and no storage and handling (including loading and unloading (L/UL)) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste will be carried out at the Site. No heavy goods vehicles, including

container tractors/trailers, are allowed to access the Site. Plans showing the vehicular access leading to the Site, site layout, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of 11 previous applications (No. A/YL-TYST/269, 270, 271, 272, 273, 294, 372, 466, 634, 787 and 952) (details at paragraph 6 below).
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TYST/952 (albeit with shorter operation hours) and are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/952	Current Application No. A/YL-TYST/1151
Applied Use	Temporary Open Storage of Construction Machinery with Ancillary Site Office for a Period of 3 Years	
Site Area	About 3,715 m ²	
Total Floor Area (Non-domestic)	About 297m ²	
No. and Height of Structures	4 • for storage, site offices and toilets (3-4.5m, 1 storey)	
No. of L/UL Space (s)	2 (for medium goods vehicle) (11m x 3.5m each)	
No. of Parking Space(s)	2 (for private car) (5m x 2.5m each)	
Operation Hours	9:00 a.m. to 7:00 p.m. with no operation on Sundays and Public Holidays	9:00 a.m. to 5:00 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 (Appendix I) 26.1.2022
 - (b) Further Information (FI) received on 2.3.2022 (Appendix Ia)
 - (c) FI received on 8.3.2022 (Appendix Ib)
 - (d) FI received on 29.3.2022 (Appendix Ic)
[(b) to (d) exempted from publication and recounting requirements]
- 1.6 In light of the special work arrangement for government departments due to the novel coronavirus infection, the meeting originally scheduled for 18.3.2022 for consideration of the application has been rescheduled, and the Board agreed to defer consideration of this application (the previous planning permission was valid up to 22.4.2022). The application is now scheduled for consideration by the Rural and New Town Planning Committee (the Committee) at this meeting.

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 the subject of six previous planning permissions. The current proposal is the same as the last application (No. A/YL-TYST/952); all the time-limited approval conditions of the last application had been complied with.
- (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) The temporary use 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 no adverse 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 notice and sending the notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

- 4.1 TPB PG-No. 13F are relevant to the application. The Site falls within Yuen Long South (YLS) Development Area 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 any planning enforcement action.

6. Previous Applications

- 6.1 The Site involves five rejected previous applications and six approved previous applications for various open storage or vehicle repair workshop uses covering

different extents of the Site¹. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Applications (5 Cases)

- 6.2 Applications No. A/YL-TYST/269, 272 and 273 for various temporary open storage uses each for a period of 3 years were rejected by the Board on review or by the Committee in 2005 mainly on the grounds that the proposed developments were not in compliance with the then TPB PG-No. 13C in that there were adverse departmental comments; and there were insufficient information to demonstrate that the development would not generate adverse environmental and/or drainage impacts on the surrounding area.
- 6.3 Applications No. A/YL-TYST/270 and 271 were for temporary vehicle repair workshop uses and not relevant to the current application.

Approved Applications (6 Cases)

- 6.4 Applications No. A/YL-TYST/294, 372, 466, 634, 787 and 952 for various temporary open storage with/without ancillary uses were all approved with conditions by the Board on review or by the Committee between 2006 and 2019 each for a period 2 or 3 years, mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13D or 13E; approval of the applications 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. For the planning permission under the last application (No. A/YL-TYST/952), all the time-limited approval conditions were complied with and the planning permission lapsed on 23.4.2022.
- 6.5 Compared with the last application, the current application is submitted by a different applicant 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 There have been 19 similar applications for temporary open storage uses with/without other uses within/straddling the subject “O” zone considered by the Committee since 2017. Details of the applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 All 19 applications were approved mainly on similar considerations that the developments 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 2 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 For Members’ information, application No. A/YL-TYST/1149 (for temporary open storage and warehouse for storage of exhibition materials and construction

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

materials for a period of 3 years) within the same “O” zone will also be considered at this meeting (**Plan A-1a**).

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

8.1 The Site is:

- (a) accessible from Kung Um Road to its east via a local track (**Plan A-3**);
- (b) paved and fenced off; and
- (c) occupied by the applied use with planning permission lapsed on 23.4.2022 (**Plans A-4a and A-4b**).

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

- (a) comprise predominately open storage/storage yards and warehouses, residential structures, vegetated land, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest residence located about 15m to its southwest. To the north and south of the Site are areas shown as ‘Road’ and zoned “Government, Institution or Community(2)” and “Residential (Group D)” respectively on the OZP. To the further north of the Site across Yuen Long Highway is an area zoned “O” on the approved Yuen Long OZP No. S/YL/25; and
- (c) except for three open storage yards and two warehouses with valid planning permissions (No. A/YL-TYST/1005, 1013, 1015, 1075 and 1078), 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

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices V and VI** respectively.

10.2 The following government department does not support the application.

Environment

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

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 15m to its southwest) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (c) his advisory comments are provided in the Recommended Advisory Clauses in **Appendix VI**.

11. Public Comment Received During the Statutory Publication Period

On 8.2.2022, 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 VII**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary open storage of construction machinery with ancillary site office for a period of 3 years at the Site mainly zoned “O” on the OZP, which is intended for the provision of outdoor open-air public space. Although the applied use is not in line with the aforesaid planning intention and the Site falls within YLS Development Stage 1 and Stage 2 Phase 1, Director of Leisure and Cultural Services has no in-principle objection to the application and Project Manager (West), Civil Engineering and Development Department has no objection to the application for temporary use for 11 months. Nevertheless, the programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Should the application be approved, it is suggested to include an advisory clause to remind the applicant that the Site may be resumed by the Government at any time during the planning approval period for the implementation of YLS Development – Stage 1 and Stage 2 Phase 1 and no substantial works should be carried out at the Site in view of the project.
- 12.2 The surrounding area comprises predominantly open storage/storage yards and warehouses (**Plan A-2**); the applied use is generally not incompatible with the surrounding uses.
- 12.3 The application is generally in line with TPB PG-No. 13F in that the Site falls within the YLS Development Area and six previous planning approvals for similar storage use have been granted to the Site; relevant proposals have been submitted to demonstrate that the applied use would not generate adverse impacts on the

surrounding areas; and technical requirements of relevant government departments could be addressed through the implementation of approval conditions.

- 12.4 The application is also generally in line with TPB PG-No. 34D in that approval of the application would not pre-empt the long-term development of the Site; all the time-limited approval conditions under the last application No. A/YL-TYST/952 had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.5 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 15m to its southwest) (**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 applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” to minimise any potential environmental impact on the surrounding areas and to keep the Site clean and tidy at all times.
- 12.6 Given that six previous approvals for similar use have been granted to the Site and 19 similar applications within/straddling the subject “O” zone have been approved since 2017, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.7 There is one public comment objecting to the application as summarised in paragraph 11 above. The planning considerations and assessment in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment summarised in paragraph 11 above, the Planning Department considers that the temporary open storage of construction machinery with ancillary site office could be tolerated for a further period of 3 years.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of 3 years and be renewed up to 1.6.2025. 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 9:00 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) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) 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 1.9.2022;
- (e) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (f) if any of the above planning condition (a), (b), (c) or (e) 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 the above planning condition (d) 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 (b), (c) and (d) are the same as those under the permission for application No. A/YL-TYST/952; conditions (a) and (e) have been updated as per the current application; requirements for maintenance of landscaping and boundary fencing, as well as restrictions on specific activities/stored items 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 VI**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intention of the "O" zone, which is primarily for the provision of outdoor open-air public space. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding area.

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 annex and plans received on 26.1.2022
Appendix Ia	FI received on 2.3.2022
Appendix Ib	FI received on 8.3.2022
Appendix Ic	FI received on 29.3.2022
Appendix II	Relevant Extracts of TPB PG-No. 13F
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous Applications covering the Site and Similar Applications within/straddling the Subject "O" Zone on the OZP
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment received during the Statutory Publication Period
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-built Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2022**