

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

APPLICATION NO. A/YL-TYST/1153

- Applicant** : Mr. Tam Cheung Tat represented by Metro Planning & Development Company Limited
- Site** : Lots 771 (Part), 772 (Part), 773 (Part), 775 (Part) and 776 (Part) in D.D.117, Lots 1131 (Part) and 1132 (Part) in D.D.119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 2,740 m² (about) (including GL of about 170 m² or 6.2%)
- 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** : “Other Specified Uses” annotated “Sewage Treatment Works” (“OU(STW)”)
[restricted to a maximum building height of 35mPD]
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Material and Recyclable Material with Ancillary Workshop and 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 material and recyclable material with ancillary workshop and 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 “OU(STW)” 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 valid planning permission under application No. A/YL-TYST/964 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kung Um Road via a local track (**Plan A-3**). According to the applicant, the proposal is for storage of construction material (including tiles, sanitary ware, metal ware, racks and barricades) and recyclable material. Ancillary workshop will only involve welding for road works and production of

road signs. 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, landscape and tree preservation, as-built drainage facilities and fire service installations (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-6** respectively.

- 1.3 The Site is the subject of seven previous applications (No. A/YL-TYST/34, 47, 48, 472, 638, 790 and 964) (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/964 albeit with shorter operation hours and are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/964	Current Application No. A/YL-TYST/1153
Applied Use	Temporary Open Storage of Construction Material and Recyclable Material with Ancillary Workshop and Office for a Period of 3 Years	
Site Area	About 2,740 m ²	
Total Floor Area (Non-domestic)	1,755m ² (about)	
No. and Height of Structures	11 • for storage, toilet, ancillary office, meter room and ancillary workshop uses (3.5-7.5m, 1 to 2 storeys(s))	
No. of Loading/ Unloading Space(s)	2 (for medium goods vehicle) (11m x 3.5m each)	
No. of Parking Space	1 (for private car) (5m x 2.5m)	
Operation Hours	7:00 a.m. to 9:00 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 8.3.2022 (**Appendix I**)
 - (b) Further Information (FI) received on 24.3.2022 (**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 Site is the subject of three previous planning permissions. The current proposal is the same as the last application (No. A/YL-TYST/964); 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 warehouse 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 four rejected previous applications (No. A/YL-TYST/34, 47, 48 and 472) and three approved previous applications (No. A/YL-TYST/638, 790 and 964) for similar open storage 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**.

¹ The application sites of applications No. A/YL-TYST/34, 47 and 48 and applications No. A/YL-TYST/472, 638, 790 and 964 were zoned “Green Belt” and “Undetermined” respectively on previous versions of the OZPs at the time of consideration by the Committee.

Rejected Applications (4 Cases)

- 6.2 Applications No. A/YL-TYST/34, 47 and 48 for various temporary open storage uses each for a period of 12 months were rejected by the Committee in 1998 mainly on the consideration that the proposed developments were not in line with the planning intention of the then “Green Belt” zone; non-compliance with the then TPB PG-No. 13 in that there were adverse departmental comments; and there were insufficient information to demonstrate that the development would not generate adverse environmental, traffic and/or drainage impacts on the surrounding area.
- 6.3 Application No. A/YL-TYST/472 for temporary open storage use with ancillary workshop for a period of 3 years was rejected by the Committee in 2010 mainly on the grounds of non-compliance with the then TPB PG-No. 13E in that there were adverse departmental comments on environmental impacts associated with open storage of electronic wastes in open environment.

Approved Applications (3 Cases)

- 6.4 Applications No. A/YL-TYST/638, 790 and 964 for similar temporary open storage with ancillary uses were all approved with conditions by the Committee between 2013 and 2019 each for a period 3 years, mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 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/964), all the time-limited approval conditions had been complied with and the planning permission is valid until 10.6.2022.
- 6.5 Compared with the last application, the current application is submitted by the same applicant for the same use at the same site with the same site layout and development parameters albeit with shorter operation hours.

7. Similar Applications

Four similar applications for temporary open storage uses with other uses within the subject “OU(STW)” zone had been considered by the Committee since 2017. All four applications were approved by the Committee between 2017 and 2020 each for a period of 3 years, 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 permission for one of them was subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised at **Appendix IV** and their locations are shown on **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 valid planning permission under application No. A/YL-TYST/964 (**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, intermixed with workshops, car services, residential structures, graves, vegetated land and vacant land/structures;
- (b) to the west of the Site is an area zoned “Undetermined” on the OZP; and
- (c) except for five warehouses and two open storage/storage yards with valid planning permissions (No. A/YL-TYST/971, 983, 1041, 1048, 1137, 1141 and 1142), the other warehouses, open storage/storage yards, workshops and car services 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 “OU(STW)” zone is primarily for the provision of sewage treatment/screening plant.

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 has objection to 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 20m to its northeast) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) there was no substantiated environmental complaint concerning the Site received in the past three years; and
- (c) his other advisory comments are provided in the Recommended Advisory Clauses in **Appendix VI**.

11. Public Comments Received During the Statutory Publication Period

On 15.3.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, two public comments were received from individuals. One individual objects 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-1**). The other individual raises concerns that the applied use would hinder the long-term development of the area (**Appendix VII-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary open storage of construction material and recyclable material with ancillary workshop and office for a period of 3 years at the Site zoned “OU(STW)” on the OZP, which is intended for the provision of sewage treatment/screening plant. Although the applied use is not in line with the aforesaid planning intention, the Site falls within YLS Development Stage 2 Phase 2, for which the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department does not raise objection and Project Manager (West), Civil Engineering and Development Department has no objection to the application. As such, approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.
- 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 three 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/964 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 20m to its northeast) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, there was no environmental complaint concerning the Site 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 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 three previous approvals for similar use have been granted to the Site and four similar applications within the subject “OU(STW)” zone have been approved since 2017, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.7 There are two public comments objecting to/raising concerns on 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 comments summarised in paragraph 11 above, the Planning Department considers that the temporary open storage of construction material and recyclable material with ancillary workshop and 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 from 11.6.2022 to 10.6.2025. 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.9.2022;
- (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) to (d) are the same as those under the permission for application No. A/YL-TYST/964; 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 "OU(STW)" zone, which is primarily for the provision of sewage treatment/screening plant. 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 8.3.2022
Appendix Ia	FI received on 24.3.2022
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 the Subject "OU(STW)" Zone on the OZP
Appendix V	Government Departments' General Comments

Appendix VI	Recommended Advisory Clauses
Appendices VII-1 and VII-2	Public Comments received during the Statutory Publication Period
Drawing A-1	Vehicular Access Plan
Drawings A-2 and A-3	Site Layout Plans
Drawing A-4	Landscape & Tree Preservation Proposal
Drawing A-5	As-built Drainage Proposal
Drawing A-6	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
MAY 2022**