

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

**APPLICATION NO. A/YL-TYST/1159**

- Applicant** : Mr CHEUNG Fook Wo represented by Metro Planning & Development Company Limited
- Site** : Lot 1022 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 819 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 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 construction materials for a period of 3 years at the application site (the Site) (**Plan A-1a**). According to the covering Notes of the OZP, all uses or developments within the “U” zone except those specified in the Notes require planning permission from the Town Planning Board (the Board). The Site is paved and vacant (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kung Um Road to its east via a local track (**Plan A-3**). According to the applicant, the proposal is for storage of construction materials (including tiles, sanitary ware, and marble, etc.). No repairing, dismantling, cleansing or other workshop activities will be carried out at the Site. 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, as-built drainage facilities and fire service installations (FSIs) proposals submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.3 The Site is the subject of four previous applications (No. A/YL-TYST/561, 592, 610 and 1057) (details at paragraph 5 below).

- 1.4 The major development parameters of the current application and the last previously approved application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1057 (a)	Current Application No. A/YL-TYST/1159 (b)	Difference (b)-(a)
Applied/Proposed Use	Temporary Storage of Construction Materials for a Period of 3 Years	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	---
Site Area	About 870 m <sup>2</sup>	About 819 m <sup>2</sup>	-51 m <sup>2</sup> (-5.9%)
Total Floor Area (Non-domestic)	610 m <sup>2</sup> (about)	550 m <sup>2</sup> (about)	-60 m <sup>2</sup> (-9.8%)
No. and Height of Structures	2 • for warehouse and store room (3.5-6m, 1 storey)	3 • for warehouses (6.5m, 1 storey)	+1 (+50%)
No. of Parking Spaces	Nil		---
No. of Loading/Unloading Space	1 (for light goods vehicle) (7m x 3.5m)		---
Operation Hours	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 annexes and plans received on 25.4.2022 **(Appendix I)**
- (b) Supplementary Information received on 29.4.2022 **(Appendix Ia)**
- (c) FI received on 16.6.2022 **(Appendix Ib)**  
*[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 was the subject of a previous planning permission for a similar use. As the previous representing agent missed the deadline for compliance of approval conditions, a fresh application is submitted.
- (b) The temporary proposal 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.

- (c) 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).
- (d) 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 Applications**

- 5.1 The Site involves four approved previous applications for various temporary open storage and storage uses covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TYST/561, 592, 640 and 1057 for temporary open storage and storage uses were all approved with conditions each for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board between 2012 and 2020 mainly on the considerations that the proposals were not incompatible with the surrounding uses; the proposals would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, all four planning permissions were revoked between 2012 and 2021 due to non-compliance with time-limited approval conditions.
- 5.3 Compared with the last application (A/YL-TYST/1057), the current application is submitted by the same applicant for the same use at a smaller site with slightly different layout and development parameters (see paragraph 1.4).

### **6. Similar Applications**

- 6.1 A total of 80 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” zone had been considered by the Committee since 2017. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

- 6.2 Out of the 80 similar applications, 76 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 22 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 the 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”, 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-1a 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) largely vacant, partly fenced off and paved.
- 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, vehicle repair workshops, agricultural land, ruins and vacant land/structures;
  - (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate east; and
  - (c) except for three warehouses with valid planning permissions (No. A/YL-TYST/1021, 1088 and 1108), as well as four other warehouses, the remaining warehouses, open storage/storage yards and vehicle repair workshops in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

## **9. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the public comment received and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

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

On 3.5.2022, 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 proposed use will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V**).

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

- 11.1 The application is for proposed temporary warehouse for storage of 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, Commissioner for Transport (C for T) has no adverse comment on the application. Under the Revised Recommended Outline Development Plan of YLS, the Site falls within an area zoned “District Open Space” under Stage 3 of YLS Development. However, Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department 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 area.
- 11.3 There is no adverse comment from concerned government departments, including C for T, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (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 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 on Handling the Environmental Aspect of Temporary Uses and Open Storage Use” to minimise any potential environmental impact on the surrounding areas.

- 11.4 The last application (No. A/YL-TYST/1057) for the same use as the current application was approved with conditions for a period of 3 years by the Committee on 4.12.2020. However, the planning permission was revoked on 4.12.2021 due to non-compliance with time-limited approval conditions on implementation of drainage and FSIs proposals. The current application is submitted by the same applicant with similar layout and development parameters. Nevertheless, the Site is currently vacant and the applicant has provided justifications for non-compliance of approval conditions of the previous application. The applicant has also submitted drainage and FSIs proposals for the current application, which were accepted by CE/MN, DSD and D of FS. As such, sympathetic consideration may be given to the current application. The applicant will 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.
- 11.5 Given that one previous approval for same applied use has been granted to the Site and 76 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. While 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, sympathetic consideration may be given to the current application for the reasons stated in paragraph 11.4 above.
- 11.6 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 11.5 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 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 24.6.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the implementation of the accepted 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 24.3.2023;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all time during the planning approval period;

- (c) the implementation of the accepted 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 24.3.2023;
- (d) if the above planning condition (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
- (e) if any of the above planning condition (a) or (c) 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 25.4.2022
<b>Appendix Ia</b>	Supplementary Information received on 29.4.2022
<b>Appendix Ib</b>	FI received on 16.6.2022
<b>Appendix II</b>	Previous Applications covering the Site and Similar Applications within/straddling the “U” Zone on the OZP since 2017
<b>Appendix III</b>	Government Departments’ General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment received during the Statutory Publication Period
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	As-built Drainage Proposal
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan

<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2022**