

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

**APPLICATION NO. A/YL-TYST/1164**

- Applicant** : Luen Shun Property Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1402 (Part), 1487 (Part), 1488 S.A (Part), 1488 RP (Part) and 1489 (Part) in D.D. 119, Kung Um Road, Yuen Long, New Territories
- Site Area** : 1,860 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
- Zonings** : “Residential (Group A)3” (“R(A)3”) (about 69%); and  
*[restricted to a maximum plot ratio of 7 and maximum building height of 160mPD]*  
“Open Space” (about 31%)
- Application** : Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of electronic goods for a period of 3 years at the application site (the Site) (**Plan A-1a**). The Site falls within an area mainly zoned “R(A)3” (about 69%) and partly zoned “O” (about 31%) on the OZP. Although the applied use is neither a Column 1 or 2 use in the “R(A)” and “O” zones, according to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three 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 without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible from Kung Um Road to its east via a local track (**Drawing A-1 and Plan A-3**). According to the applicant, the proposal is for storage of electronic goods (including tablets, mobile phones and computer accessories such as mouse, chip set, hard disk and mother board). No open storage use will be

allowed at the Site. Only private car and medium goods vehicles (MGVs) will access the Site. No 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 with tree preservation proposal, drainage proposal 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 four previous applications (No. A/YL-TYST/275, 277, 771 and 991) (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:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/991 (a)</b>	<b>Current Application No. A/YL-TYST/1164 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years		---
Site Area	About 1,860 m <sup>2</sup>		---
Total Floor Area (Non-domestic)	About 851 m <sup>2</sup>		---
No. and Height of Structures	10 • for warehouses, open shed, toilet, pump room, water tank and site office (3-7m, 1-2 storey(s))		---
No. of Parking Space	Nil	2 (for private car) (5m x 2.5m)	+2
No. of Loading/ Unloading Space	1 (for MGV) (11m x 3.5m each)		---
Operation Hours	9:00 a.m. to 6:00 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	Shorter Operation Hour

- 1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with annexes and plans received on 2.6.2022 **(Appendix I)**
- (b) Further Information (FI) received on 21.7.2022 **(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 and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) The Site has been the subject of previous planning permissions for warehouse use since 2005. As the responsible person of the Luen Shun Property Company has been residing abroad, he could not confirm with the contractor for the implementation of the drainage works and FSIs for the previous planning

permission. The applied use does not involve erection of new structures and the operation will be accommodated in the existing structures.

- (b) The temporary proposal would not jeopardise the long-term planning intention. Similar warehouse use has 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.
- (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 previous applications, including two rejected applications (No. A/YL-TYST/275 and 277) for open storage use, which are not relevant to the current application, and two approved applications (No. A/YL-TYST/771 and 991) for temporary warehouse use with/without open storage use covering different extents of the Site<sup>1</sup>. 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/771 and 991 for various temporary warehouse uses (with open storage use for application No. A/YL-TYST/771) were approved with conditions each for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board in 2016 and 2019 respectively mainly on the considerations that the proposals were in line with the planning intention of the “U” zone and TPB PG-No.13E (the latter for application No. A/YL-TYST/771 only); the proposals were not incompatible with the surrounding uses and 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, the planning permission for application No. A/YL-TYST/991 was

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

revoked in 2022 due to non-compliance with time-limited approval conditions for implementation of drainage and FSIs proposals.

- 5.3 Compared with the last application (No. A/YL-TYST/991), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters albeit with two additional car parking spaces and shorter operation hours (see paragraph 1.4).

## **6. Similar Applications**

- 6.1 There are eight similar applications for various temporary warehouse uses within/straddling the subject “R(A)3” and “O” zones considered by the Committee since 2017<sup>2</sup>. All eight applications were approved mainly on similar considerations as paragraph 5.2 above. However, the planning permissions for three of them were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 For Members’ information, application No. A/YL-TYST/1162 (for temporary warehouse for storage of advertising material, construction material, electronic goods and household product for a period of 3 years) straddling the same “R(A)3” zone will also be considered at this meeting (**Plan A-1a**).

## **7. Planning Intentions**

- 7.1 The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 7.2 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.

## **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**); and
  - (b) occupied by the applied use without valid planning permission.
- 8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

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<sup>2</sup> Three of the application sites were zoned “Undetermined” on previous versions of the OZPs at the time of consideration by the Committee.

- (a) comprise predominately warehouses and open storage/storage yards with scattered residential structures, parking of vehicles, pond, chicken sheds, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its west;
- (c) to the further east of the Site are areas zoned “O” and “R(A)3” on the OZP; and
- (d) except for four warehouses and one open storage yard with valid planning permissions (No. A/YL-TYST/1008, 1037, 1040, 1055 and 1131), as well as one other warehouse, the remaining warehouses, open storage/storage yards, parking of vehicles and chicken sheds 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 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department does not support the application.

### **Environment**

9.2.1 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 10m to its west) (**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) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

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

On 10.6.2022, 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 V-1**). Another individual opines that questions must be asked on the non-compliance with the approval conditions of the previous planning permission and the

applied use will cause public health, safety and hygiene issues (**Appendix V-2**).

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

- 11.1 The application is for temporary warehouse for storage of electronic goods at the Site mainly zoned “R(A)3” and partly zoned “O” on the OZP. The planning intentions of the “R(A)” and “O” zone are primarily for high-density residential developments and provision of outdoor open-air public space respectively. Although the applied use is not in line with the aforesaid planning intentions and the Site largely falls within an area zoned “Special Residential – Zone 1 – Public Rental Housing (with Commercial)” and partly within an area zoned “District Open Space” on the Revised Recommended Outline Development Plan of Yuen Long South (YLS) under YLS Development Stage 2 Phase 2, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department does not raise objection while the Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services both have no objection to the application. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 11.2 While there are scattered residential structures in the vicinity, the applied use is generally not incompatible with the predominant warehouses and open storage/storage yard uses currently existing in the area (**Plan A-2**).
- 11.3 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 10m to its west) (**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 12.2 below to minimise any possible environmental nuisance and 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. The applicant will also be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 11.4 The last application (No. A/YL-TYST/991) for the same use as the current application was approved with conditions for a period of 3 years by the Committee on 29.11.2019. However, the planning permission was revoked on 28.4.2022 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 the same layout and development parameters. Nevertheless, the applicant has submitted drainage and FSIs proposals for the current application, which have been 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 two previous approvals for warehouse use have been granted to the Site and eight similar applications within/straddling the subject “R(A)3” and “O” zones have been approved since 2017, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 There are two public comments objecting to/providing views on the application received during the statutory publication period 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 comments mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse for storage of electronic goods 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 29.7.2025. 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 implementation of the accepted 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 29.1.2023;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) the implementation of the accepted 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 29.1.2023;
- (f) if any of the above planning condition (a), (b) or (d) 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 (c) 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 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Member's reference:

- (a) the applied use is not in line with the planning intentions of the "R(A)" and "O" zones which are primarily for high-density residential developments and provision of outdoor open-air public space respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, 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.

### **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 2.6.2022
<b>Appendix Ia</b>	FI received on 21.7.2022
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 and V-2</b>	Public Comments
<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>	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>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2022**