

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

**APPLICATION NO. A/YL-TYST/1175**

- Applicant** : Cyber Building Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1255 (Part) and 1256 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 840 m<sup>2</sup> (about) (including GL of about 144 m<sup>2</sup> or 17%)
- 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-1**). 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 currently occupied by open storage of construction materials without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kung Um Road via a local track (**Plan A-3**). According to the applicant, the proposed use is for storage of construction materials (including tiles, sanitary ware and marble, etc.). No repairing, dismantling, cleaning or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles, including container tractors/trailers, will be allowed to access the Site. Plans showing the vehicular access leading to the Site, site layout and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 840 m <sup>2</sup>
Total Floor Area (Non-domestic)	Not more than 450 m <sup>2</sup>
No. and Height of Structures	2 • for warehouses (11m, 1 storey)
No. of Parking Space	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

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

- (a) Application Form with annexes and plans received on 22.7.2022 **(Appendix I)**
- (b) Further Information (FI) received on 26.8.2022 **(Appendix Ia)**
- (c) FI received on 1.9.2022 **(Appendix Ib)**  
*[(b) and (c) 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 proposed use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13F).
- (b) 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 use in TYST.
- (c) There will be minimal traffic, environmental and drainage impacts arising from the proposed use.

## **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 the GL portion, the requirements under TPB PG-No. 31A are not applicable.

#### **4. Background**

The Site is currently not subject to planning enforcement action.

#### **5. Previous Application**

There is no previous planning application concerning the Site.

#### **6. Similar Applications**

- 6.1 A total of 85 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-1**.
- 6.2 Out of the 85 similar applications, 81 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 25 of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining four applications 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.
- 6.4 For Members’ information, applications No. A/YL-TYST/1173 (for proposed temporary warehouse for storage of electronic goods, furniture and construction materials for a period of 3 years) and 1174 (for proposed temporary warehouse for storage of general goods for a period of 3 years) within the same “U” zone will also be considered at this meeting (**Plan A-1**).

#### **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-1 to A-4)**

- 8.1 The Site is:

- (a) accessible from Kung Um Road to its southeast via a local track (**Plan A-3**); and
- (b) paved, fenced off and occupied by open storage of construction materials without valid planning permission (**Plans A-2 and 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, vehicle repair workshops, shrubland and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its northwest; and
- (c) except for two warehouses with valid planning permissions (No. A/YL-TYST/1100 and 1152), the remaining warehouses, open storage/storage yards and vehicle repair workshops in the vicinity are suspected unauthorised developments 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 advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.

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

On 29.7.2022, 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 proposed use will generate adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V-1**). Another individual objects to the application; queries the planning intention of the subject “U” zone and the procedure in posting site notice; and opines that the environmental, drainage, hygiene and traffic issues in the area should be mitigated prior to granting approval to the application (**Appendix V-2**).

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

11.1 The application is for proposed temporary warehouse for storage of construction materials for a period of 3 years 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 partly within an area zoned “Residential – Zone 2 (with Commercial)” and partly shown

as 'Road' under Stage 3 of YLS Development. The 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 with some of them covered by valid planning permissions (**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 and Chief Engineer/Mainland North, Drainage Services Department. Adverse traffic, environmental, fire safety and drainage impacts on the surrounding areas are not envisaged. There has been no environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 There is no previous application concerning the Site. Given that 81 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. There were also four similar applications in the subject "U" zone rejected 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. However, such considerations are not applicable to the current application as the Site is not involved in any previous application.
- 11.5 There are two public comments objecting to the application received during the statutory public inspection period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.4 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 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 9.9.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a revised 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 9.3.2023;

- (b) in relation to (a) above, the implementation of the revised 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 9.6.2023;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a 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 9.3.2023;
- (e) in relation to (d) above, the implementation of the 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 9.6.2023;
- (f) if the above planning condition (c) 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 (a), (b), (d) 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 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 22.7.2022
<b>Appendix Ia</b>	FI received on 26.8.2022
<b>Appendix Ib</b>	FI received on 1.9.2022
<b>Appendix II</b>	Similar Applications

<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices</b>	Public Comments
<b>V-1 and V-2</b>	
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Drainage Proposal
<b>Plan A-1</b>	Location Plan with 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  
SEPTEMBER 2022**