

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

APPLICATION NO. A/YL-TYST/1180

- Applicant** : Hang Sing Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1438 S.B RP (Part), 1438 S.C RP (Part), 1438 S.D (Part), 1439 RP (Part), 1440 S.A (Part), 1440 S.B (Part) and 1441 RP (Part) in D.D. 119 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long, New Territories
- Site Area** : 506 m² (about) (including GL of about 17 m² or 3.4%)
- 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** : “Residential (Group A) 3” (“R(A)3”) (about 23%);
[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]
“Open Space” (“O”) (about 19%); and
Area shown as ‘Road’ (about 58%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Vehicle Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of vehicle parts 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 “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 covering Notes of the OZP also states that all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently occupied by the applied use with valid planning permission (**Plans A-2 to A-4b**).

- 1.2 The Site is accessible from Shan Ha Road to its northwest via a local track (**Plan A-3**). According to the applicant, no 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 with tree preservation proposal, 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 seven previous applications (No. A/YL-TYST/327, 347, 428, 591, 728, 826 and 995) (details at paragraph 6 below).
- 1.4 The major development parameters of the current application are the same as the last previously approved application and are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/995	Current Application No. A/YL-TYST/1180
Applied Use	Temporary Open Storage of Vehicle Parts for a Period of 3 Years	
Site Area	About 506 m ²	
Total Floor Area (Non-domestic)	Not more than 164 m ²	
No. and Height of Structures	2 • for rain shelter, site office and toilet (3.5 - 5.5m, 1 storey)	
No. of Parking Space	Nil	
No. of Loading/ Unloading Space	1 (for light goods vehicle) (7 m x 3.5 m)	
Operation Hours	9:00 a.m. to 7:00 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 23.8.2022 (**Appendix I**)
 - (b) Further Information (FI) received on 13.9.2022 (**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 subject of previous planning permissions. The current application is the same as the last application (No. A/YL-TYST/995) and all the time-limited approval conditions of the last application had been complied with.
- (b) The applied use 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 applied use is compatible with the surrounding environment. Besides, there is a shortage of land for open storage use in TYST.
- (d) There will be minimal traffic, environmental and drainage impacts arising from the applied 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 Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, 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 relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves seven previous applications (No. A/YL-TYST/327, 347, 428, 591, 728, 826 and 995) for various temporary 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**.
- 6.2 All seven applications were approved with conditions each for a period of 2 or 3 years by the Rural and New Town Planning Committee (the Committee) of the Board between 2006 and 2019 mainly on the considerations that the applications

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

were generally in line with the prevailing TPB PG-No. 13 (or its later versions); the proposals would not jeopardise 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. However, one of the planning permissions was subsequently revoked in 2016 due to non-compliance with approval condition. As for the last application (No. A/YL-TYST/995), all the time-limited approval conditions have been complied with and the planning permission is valid until 13.12.2022.

- 6.3 Compared with the last application (A/YL-TYST/995), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters (see paragraph 1.4).

7. Similar Applications

- 7.1 A total of 30 similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject “R(A)3” and “O” zones had been considered by the Committee since 2017. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 30 similar applications, 29 were approved mainly on similar considerations as those in paragraph 6.2 above. However, the planning permissions for 7 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 The remaining application (No. A/YL-TYST/1058) was rejected by the Committee in 2020 mainly on the grounds that the applied use was not in line with TPB PG-No. 13F in that the applicant could not demonstrate that the continued operation of the applied use would not generate adverse environmental impact on the surrounding areas.

8. Planning Intentions

- 8.1 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.
- 8.2 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.

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

- 9.1 The Site is:
- (a) accessible from Shan Ha Road to its northwest via a local track (**Plan A-3**);
 - and

- (b) paved, fenced off and occupied by the applied use with valid planning permission (**Plans A-2 to A-4b**).

9.2 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, car parks, vehicle repair workshop, office, orchard, agricultural land, unused land and vacant land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 50m to its northwest; and
- (c) except for two open storage/storage yards, one vehicle repair workshop and one warehouse with valid planning permissions (No. A/YL-TYST/994, 1128, 1135 and 1172), the remaining warehouses, open storage/storage yards, car parks and office uses in the vicinity are suspected unauthorised developments subject to enforcement action taken by the Planning Authority.

10. 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 V and VI** respectively.

11. Public Comment Received During the Statutory Publication Period

On 30.8.2022, 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 vehicle parts for a period of 3 years at the Site partly zoned “R(A)3”(about 23%) and “O” (about 19%) and partly within an area shown as ‘Road’ (about 58%) on the OZP. The planning intentions of the “R(A)” and “O” zones 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 falls partly within areas zoned “Local Open Space” and “Special Residential – Public Rental Housing (Zone 1) (with Commercial)” under Stage 2B of YLS Development, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department, Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services 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.

- 12.2 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 applied use is generally not incompatible with the surrounding area.
- 12.3 The application is generally in line with TPB PG-No. 13F in that the Site falls within the YLS Development Area and previous planning approvals for similar open storage uses have been granted; relevant proposals have been submitted to demonstrate that the applied use would not generate adverse impacts on the surrounding areas; and the local concerns and technical concerns of relevant departments could be addressed through the imposition 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/995 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, including the Commissioner for Transport, 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 substantiated environmental complaint concerning the Site received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, 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” and to keep the Site clean and tidy at all times.
- 12.6 Given that seven previous approvals for various open storage uses have been granted to the Site and 29 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.
- 12.7 There is one public comment objecting to the application received during the statutory public inspection period as summarised in paragraph 11 above. The planning considerations and assessments 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 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of vehicle parts 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 14.12.2022 to 13.12.2025. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) 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 14.3.2023;
- (c) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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
- (e) if above planning condition (b) 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 (a) and (b) are the same as those under the permission for application No. A/YL-TYST/995; condition (c) has been updated as per the current application; requirements for maintenance of landscaping and boundary fencing, as well as restriction on operation hours, specific activities 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 reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intentions of the "R(A)" and "O" zones which are primarily for provision of high-density residential developments and 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.

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 23.8.2022
Appendix Ia	FI received on 13.9.2022
Appendix II	Relevant Extracts of TPB PG-No. 13F
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment Received During Statutory Publication Period
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan with Tree Preservation Proposal
Drawing A-3	As-built Drainage Plan
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
OCTOBER 2022**