

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1185

- Applicant** : Ms. YIU Chun Tai represented by Metro Planning and Development Company Limited
- Site** : Lot 1023 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 401 m² (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** : Temporary Warehouse for Storage of Furniture for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of furniture for a period of three 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 currently occupied by the applied use with valid planning permission (**Plans A-2 to A-4**).
- 1.2 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 and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is the subject of a previous application (No. A/YL-TYST/1021) (details at paragraph 5 below).
- 1.4 The major development parameters of the current application are the same as the previous application and are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1021	Current Application No. A/YL-TYST/1185
Applied Use	Temporary Warehouse for Storage of Furniture for a Period of 3 Years	
Site Area	About 401 m ²	
Total Floor Area (Non-domestic)	Not more than 436 m ²	
No. and Height of Structures	4 for warehouse, guard room, site office, toilet and rain shelter (3 – 8m, 1 – 2 storey(s))	
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 5:00 p.m., with no operation on Sundays and Public Holidays	

- 1.5 In support of the application, the applicant has submitted an Application Form with annexes and plans received on 19.9.2022 (**Appendix I**).

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 (No. A/YL-TYST/1021) for the same use. According to the accepted drainage proposal under the previous application, the surface drain was proposed to be connected to the existing surface channel at the site covered by planning application (No. A/YL-TYST/966) (**Plan A-1a**). As the applicant failed to obtain consent for implementing the accepted drainage proposal under the previous application, a fresh application is made;
- (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). 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 storage use in TYST; and
- (c) 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 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 a previous application (No. A/YL-TYST/1021) for the same use as the current application, which was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 mainly on the considerations that the proposal was not incompatible with the surrounding uses; the proposal would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. The planning permission is valid until 26.6.2023. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1b**.
- 5.2 Compared with the last application (No. A/YL-TYST/1021), 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).

6. Similar Applications

- 6.1 A total of 89 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 89 similar applications, 85 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 26 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/1183 (for renewal of planning approval for temporary warehouse for storage of construction material for a period of three years) and 1184 (for proposed temporary warehouse for storage of electronic goods for a period of three years) within the same "U" zone will also be considered at this meeting (**Plan A-1a**).

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 northeast via a local track (**Plan A-3**); and
- (b) paved, fenced off and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1021 (**Plans A-2 to A-4**).

8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, parking of vehicles and agricultural land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southeast; and
- (c) except for five warehouses with valid planning permissions (No. A/YL-TYST/1088, 1108, 1109, 1159 and 1167), the remaining warehouses, open storage/storage yards, vehicle repair workshops and parking of vehicles in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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 27.9.2022, 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 ground that the applied use will generate adverse traffic, environmental and fire safety impacts on the surrounding

area (**Appendix V-1**). Another individual opines that there is outstanding approval condition of the previous planning application that has yet to be complied with and the environmental and public safety concerns should be taken into consideration by the Board (**Appendix V-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of furniture for a period of three years at the Site zoned “U” on the OZP. The applied 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. 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 applied use is generally not incompatible with the surrounding area.
- 11.3 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 have no objection to/no adverse comment on the application. 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. 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”.
- 11.4 Given that one previous approval for the same use had been granted to the Site and 85 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.
- 11.5 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 11.4 above are relevant. Regarding the concern on outstanding compliance with the approval condition under the previous application, the applicant has provided justification as summarised in paragraph 2 above.

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 furniture could be tolerated for a period of three 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 three years until 11.11.2025. 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 11.5.2023;
- (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 11.8.2023;
- (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 11.5.2023;
- (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 11.8.2023;
- (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

Appendix I	Application Form with annexes and plans received on 19.9.2022
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2022**