

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

APPLICATION NO. A/YL-TYST/1187

- Applicant** : Wah Sang (China – Hong Kong) Limited represented by Metro Planning and Development Company Limited
- Site** : Various Lots in D.D. 117 and Adjoining Government Land (GL), Kung Um Road, Yuen Long, New Territories
- Site Area** : 9,424 m² (about) (including about 985 m² of GL)
- 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** : “Undetermined” (“U”) (about 57%); and
“Other Specified Uses” annotated “Sewage Treatment Works”
 (“OU(STW)”) (about 43%)
 [restricted to a maximum building height of 35mPD]
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Electronic Goods with Ancillary Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary warehouse for storage of electronic goods with ancillary site office for a period of three years at the application site (the Site) (**Plan A-1a**). The Site partly falls within an area zoned “U” (about 57%) and “OU(STW)” (about 43%) on the OZP. 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). Although the applied use is neither a Column 1 or 2 use in the “OU(STW)” zone, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Board. The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/983 (**Plans A-2 to A-4b**).

- 1.2 According to the applicant, the applied use is for storage of electronic goods (including tablets, mobile phones and desktop computers). No repairing, dismantling, cleaning or other workshop activities will be carried out at the Site. Plans showing the site layout, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is the subject of 13 previous applications for various temporary uses (details at paragraph 6 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/983 (a)	Current Application No. A/YL-TYST/1187 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Electronic Goods with Ancillary Site Office for a Period of 3 Years		---
Site Area	About 9,424 m ²		---
Total Floor Area (Non-domestic)	Not more than 5,458 m ²		---
No. and Height of Structures	6 for warehouse, site offices, pump room, water tank, toilet and guard room (3 – 8.5m, 1 – 2 storey(s))		---
No. of Parking Space	Nil		---
No. of Loading/ Unloading Spaces	1 (for container vehicle) (16m x 3.5m) 2 (for medium/heavy goods vehicle) (11m x 3.5m each)		---
Operation Hours	7:00 a.m. to 9:00 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 Hours

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

- | | | |
|-----|---|------------------------|
| (a) | Application Form with Attachments received on 27.9.2022 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 5.10.2022 | (Appendix Ia) |
| (c) | Further Information (FI) received on 10.10.2022* | (Appendix Ib) |
| (d) | FI received on 7.11.2022* | (Appendix Ic) |
- * *accepted and exempted from publication 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 previous planning permissions. The current proposal is the same as the last application (No. A/YL-TYST/983) and all the time-limited approval conditions of the last application had been complied with;
- (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 applied use is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up 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. For the GL portion, the requirements under TPB PG-No. 31A are not applicable.

4. Town Planning Board Guidelines

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 II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site involves 13 previous applications for various temporary uses, including two rejected applications (No. A/YL-TYST/47 and 387) and five approved applications (No. A/YL-TYST/248, 300, 346, 476 and 689) for temporary open storage uses not relevant to the current application, as well as six approved applications (No. A/YL-TYST/288, 376, 402, 684, 836 and 983) for similar temporary warehouse uses with/without other uses covering different extents of the Site¹. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

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

- 6.2 Applications No. A/YL-TYST/288, 376, 402, 684, 836 and 983 for similar warehouse use were all approved with conditions each for a period of three years by the Rural and New Town Planning Committee (the Committee) or the Board on review between 2005 and 2020 mainly on the considerations that the proposals were generally in line with the planning intention of the “U” zone; the proposals were not incompatible with the surrounding uses; the proposals would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions for five of them were revoked between 2007 and 2019 due to non-compliance of approval conditions. All the time-limited approval conditions under the last application No. A/YL-TYST/983 have been complied with and the planning permission is valid until 3.1.2023.
- 6.3 Compared with the last application (No. A/YL-TYST/983), 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 shorter operation hours (see paragraph 1.4).

7. Similar Applications

- 7.1 A total of 96 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” and “OU(STW)” zones had been considered by the Committee since 2017. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 96 similar applications, 92 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 27 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 The remaining four applications were rejected by the Committee between 2018 and 2021 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, thus nullifying the statutory planning control system.

8. Planning Intentions

- 8.1 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.
- 8.2 The planning intention of the “OU(STW)” zone is primarily for the provision of sewage treatment/screening plant.

- 8.3 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.

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

9.1 The Site is:

- (a) accessible from Kung Um Road to its east via a short local track (**Plan A-3**); and
- (b) paved, fenced off and occupied by the applied use (**Plans A-2 to A-4b**).

9.2 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, car servicing, a car park, an elderly home, graves, unused land 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 four warehouses with valid planning permissions (No. A/YL-TYST/1007, 1088, 1106 and 1169), as well as the elderly home in its northeast, the remaining warehouses, open storage/storage yards, vehicle repair workshops, car servicing and car park in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV and V** respectively.

- 10.2 The following government department does not support the application.

Environment

10.2.1 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 to its immediate east) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) no 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 V**.

11. Public Comments Received During the Statutory Publication Period

On 7.10.2022, 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 VI-1**). Another individual opines that the applied use should not hinder the implementation of the planned sewage treatment works (**Appendix VI-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary warehouse for storage of electronic goods with ancillary site office at the Site partly zoned “U” and “OU(STW)” on the OZP. Although the applied use is not in line with the planning intention of the “OU(STW)” zone (earmarked for STW under YLS Development Stage 2 Phase 2), and the “U” zone portion of the Site also falls partly within areas designated for “Other Specified Uses (Hillside River Corridor with Scenic Cycle Track)”, “Local Open Space” and ‘Road’ under Stage 3 of the 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. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.
- 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 of the Site, the applied use is generally not incompatible with the surrounding area.
- 12.3 The application is 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/983 had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 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 to its immediate east) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected. However, no environmental complaint concerning the Site was received in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental impact on the surrounding areas 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”.

- 12.5 Given that six previous approvals for similar warehouse uses with/without other uses have been granted to the Site and 92 similar applications within/straddling the subject “U” and “OU(STW)” zones have been approved since 2017, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 There are two public comments objecting to/providing views on 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 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary warehouse for storage of electronic goods with ancillary site office could be tolerated for a further period of three 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 three years and be renewed from 4.1.2023 to 3.1.2026. 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 4.4.2023;
- (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 the 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 (c) are the same as those under the permission for application No. A/YL-TYST/983; condition (b) is imposed as per Drainage Services Department's comment; requirements for maintenance of landscaping and boundary fencing, as well as restrictions on operation hours and specific activities 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 V**.

13.3 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 intention of the "OU(STW)" zone, which is primarily for the provision of sewage treatment/screening plant. No strong planning justification has been given in the submission to justify a departure from the planning intention, 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.

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 Attachments received on 27.9.2022
Appendix Ia	SI received on 5.10.2022
Appendix Ib	FI received on 10.10.2022
Appendix Ic	FI received on 7.11.2022
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 and VI-2	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage Proposal

Drawing A-3	FSIs Layout Plan
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
NOVEMBER 2022**