

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1190

- Applicant** : Wing Kei Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1937 (Part), 1945 (Part), 1946 (Part), 1947 (Part), 1948, 1954 (Part), 1955, 1956 (Part) and 1957 (Part) in D.D. 117 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long
- Site Area** : 4,164 m² (about) (including GL of about 370 m² or 8.9%)
- 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** : “Other Specified Uses” annotated “Sewage Treatment Works” (“OU(STW)”)
[Restricted to a maximum building height (BH) of 35mPD]
- Application** : Temporary Warehouse for Storage of Home Appliance and Furniture for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of home appliance and furniture for a period of three years at the application site (the Site) (**Plan A-1a**). The Site falls within the “OU(STW)” zone on the YYST OZP. 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). The Site is currently occupied by the applied use with valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kung Um Road to its east 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, landscape and tree preservation proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site is the subject of eight previous applications (No. A/YL-TYST/20, 34, 48, 118, 618, 756, 865 and 1041) including five applications approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2020 (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:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1041 (a)	Current Application No. A/YL-TYST/1190 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Home Appliance and Furniture for a Period of 3 Years		---
Site Area	About 4,164 m ²		---
Total Floor Area (Non-domestic)	About 3,264 m ²		---
No. and Height of Structures	5 • for warehouse, site office, water tank, pump room and toilet (3 - 11m, 1 - 2 storey(s))		---
No. of Parking Space	Nil		---
No. of Loading/Unloading Space(s)	1 (for medium/heavy goods vehicle) (11 m x 3.5 m)	2 (for light goods vehicle) (7 m x 3.5 m each)	+1
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 the following documents:

- (a) Application Form with attachments received on 16.11.2022 **(Appendix I)**
- (b) Further Information (FI) received on 9.1.2023* **(Appendix Ia)**
* *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 and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the Site has been covered by planning permissions since 2017. All the approval conditions imposed on the last approved application (No. A/YL-TYST/1041) had been complied with, except for the implementation of FSIs and landscape and tree preservation proposals. According to the applicant, the implementation of the accepted FSIs and landscape and tree preservation proposals could not be proceeded pending the provision of water supply for the FSIs and due to dispute over site boundary with adjoining land owners respectively. As additional time is needed for implementing the accepted FSIs and landscape and tree preservation proposals, 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 of the Site;
- (c) a number of open storage and port back-up 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
- (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 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 Applications

- 5.1 The Site involves eight previous applications for various temporary uses, including three rejected applications (No. A/YL-TYST/20, 34 and 48) for temporary open storage uses not relevant to the current application, as well as five approved applications (No. A/YL-TYST/118, 618, 756, 865 and 1041) for similar temporary warehouse or storage uses with/without other uses covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TYST/118, 618, 756, 865 and 1041¹ for similar warehouse or storage uses were all approved with conditions each for a period of three years by the Committee between 2000 and 2020 mainly on the considerations that the proposals were generally not incompatible with the surrounding areas; generally in line the then TPB PG-No. 13 (or its latter versions); approval of the application on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. However, the planning permissions under applications No. A/YL-TYST/618, 756

¹ Four of the applications (No. A/YL-TYST/118, 618, 756 and 865) were approved under the “Undetermined” zoning prior to the rezoning of the sites to “OU(STW)” on the draft TYST OZP No. S/YL-TYST/13 published in July 2020.

and 865² were subsequently revoked in 2014, 2016 and 2020 respectively due to non-compliance with approval conditions. The last planning permission for application No. A/YL-TYST/1041 is valid until 21.8.2023.

- 5.3 Compared with the last approved application (No. A/YL-TYST/1041), the current application is submitted by the same applicant for the same use at the same site with similar layout and development parameters (see paragraph 1.4).

6. Similar Applications

There had been nine similar planning applications (No. A/YL-TYST/836, 852, 860, 871, 971, 983, 1048, 1169 and 1187)³ for various temporary warehouse uses with/without other uses within/straddling the subject “OU(STW)” zone considered by the Committee since 2017. They were all approved with conditions by the Committee between 2017 and 2022, mainly on similar considerations as those in paragraph 5.2 above. However, the planning permissions for three of them were 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**.

7. Planning Intention

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

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 east 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/1041 (**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, a temple, graves, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 30m to the north of the Site; and
- (c) except for one open storage yard and one warehouse with valid planning permissions (No. A/YL-TYST/1048 and 1141) as well as the temple in its

² Applications No. A/YL-TYST/618, 756 and 865 were submitted by different applicants from the current application.

³ Six of the applications (No. A/YL-TYST/836, 852, 860, 871, 971 and 983) were approved under the “Undetermined” zoning prior to the rezoning of the sites to “OU(STW)” on the draft TYST OZP No. S/YL-TYST/13 published in July 2020.

northwest, the remaining warehouses, open storage/storage yards and vehicle repair workshops 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 25.11.2022, 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 Site was subject to multiple revoked planning permissions (**Appendix V-2**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of home appliance and furniture for a period of three years at the Site zoned “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 Yuen Long South Development Stage 2 Phase 2), 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 (**Appendix IV**).

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 the Commissioner for Transport, 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 five previous approval for similar temporary warehouse or storage uses with/without other uses had been granted to the Site and nine similar applications within/straddling the subject “OU(STW)” 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.

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 13.1.2026. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 13.4.2023;
- (c) the implementation of the accepted 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 13.10.2023;
- (d) if the above planning condition (a) 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 any of the above planning condition (b) or (c) 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 reason for rejection is suggested for Member’s reference:

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.

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 16.11.2022
Appendix Ia	FI received on 9.1.2023
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	Landscape and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	FSIs 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
JANUARY 2023**