

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

APPLICATION NO. A/YL-TYST/1198

- Applicant** : Ms. CHOW Wing Shan represented by Metro Planning and Development Company Limited
- Site** : Lots 805 RP (Part) and 806 RP (Part) in D.D. 117 and Adjoining Government Land (GL), Kung Um Road, Yuen Long, New Territories
- Site Area** : 760 m² (about) (including GL of about 315 m² (41.4%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Machinery and Spare Parts 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 machinery and spare parts with ancillary site office for a period of three 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 the applied use with valid planning permission under application No. A/YL-TYST/1007 (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kung Um Road (**Plans A-2 and A-3**). According to the applicant, no open storage, packaging, repairing, dismantling or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailers, will be allowed to access 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 four previous applications (No. A/YL-TYST/511, 656, 822 and 1007) approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2020 (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/1007	Current Application No. A/YL-TYST/1198
Applied Use	Temporary Warehouse for Storage of Machinery and Spare Parts with Ancillary Site Office for a Period of 3 Years	
Site Area	About 760 m ² (including GL of about 315 m ²)	
Total Floor Area (Non-domestic)	Not more than 450 m ²	
No. and Height of Structures	4 • for warehouse, rain shelter, site office, toilet and store room (3 – 6m, 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 the following documents:
- (a) Application Form with attachments received on 4.1.2023 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 13.1.2023 (**Appendix Ia**)
 - (b) Further Information (FI) received on 16.2.2023* (**Appendix Ib**)
 - (c) FI received on 20.2.2023* (**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, SI and FI (**Appendices I to Ic**). They can be summarised as follows:

- (a) the Site was the subject of four previous planning permissions and the current proposal is the same as the last application (No. A/YL-TYST/1007);
- (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 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 not incompatible 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. 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 four previous applications (No. A/YL-TYST/511, 656, 822 and 1007) for the same use covering the same site. Details of the applications are summarised in **Appendix III** and the location of the site is shown on **Plan A-1**.
- 6.2 All four applications were approved with conditions each for a period of three years by the Committee between 2011 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. All the time-limited approval conditions under the last application No. A/YL-TYST/1007 have been complied with and the planning permission is valid until 24.4.2023.

- 6.3 Compared with the last application (A/YL-TYST/1007), the current application is submitted by the same applicant for the same use at the same site with the same development parameters and layout (see paragraph 1.4).

7. Similar Applications

- 7.1 A total of 81 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 2018. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.
- 7.2 Out of the 81 similar applications, 77 were approved by the Committee mainly on similar considerations as those summarised in paragraph 6.2 above. However, the planning permissions for 21 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 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.
- 7.4 For Members’ information, application No. A/YL-TYST/1197 for temporary vehicle repair workshop and warehouse for storage of vehicle, vehicle parts and electronic goods for a period of three years within the same “U” zone will also be considered at this meeting (**Plan A-1**).

8. Planning Intention

- 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 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-1 to A-4)

- 9.1 The Site is:
- (a) accessible from Kung Um Road to its east (**Plans A-2 and A-3**); and
 - (b) paved, fenced off and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1007 (**Plans A-2 and A-4**).
- 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, vehicle repair workshops, a car park, car dealer, 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 northwest; and
- (c) except for three warehouses with valid planning permissions (No. A/YL-TYST/1140, 1169 and 1187), the remaining warehouses, open storage/storage yards, vehicle repair workshops, car park and car dealer in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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 IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 20.1.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary warehouse for storage of machinery and spare parts with ancillary site office 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 partly within an area zoned “Local Open Space” under Stage 3 of the YLS Development and partly within an area shown as ‘Road’ under Stage 2B 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, 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 there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/1007; all the time-limited approval conditions under the previous approval had been complied with; and the three-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 Concerned government departments, including the C for T, Director of Environmental Protection, Director of Fire Services 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 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”.
- 12.5 Given that four previous approvals for the same use have been granted to the Site and 77 similar applications within/straddling the subject “U” zone have been approved since 2018, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 There is no public comment received on the application during the statutory public inspection period.

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 machinery and spare parts 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 25.4.2023 to 25.4.2026. 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 25.7.2023;
- (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 (b) are the same as those under the permission for application No. A/YL-TYST/1007; condition (c) has been updated as per the current application; requirements for maintenance of landscaping, as well as restrictions on operation hours, specific activities and vehicle types have been removed as per the departments' 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 There is no strong reason to recommend rejection of the application.

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 4.1.2023
Appendix Ia	SI received on 13.1.2023
Appendix Ib	FI received on 16.2.2023
Appendix Ic	FI received on 20.2.2023
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
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**