

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1200

- Applicant** : Mr. TANG Tin Chi represented by Metro Planning and Development Company Limited
- Site** : Lots 1492, 1493 S.B (Part), 1493 RP and 1495 (Part) in D.D. 119, Kung Um Road, Yuen Long, New Territories
- Site Area** : 890 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** : “Open Space” (“O”)
- Application** : Proposed Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of electronic goods for a period of three years at the application site (the Site) (**Plan A-1a**). 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 a vacant structure (**Plans A-2 and A-4**).
- 1.2 The Site is accessible from Kung Um Road (**Plan A-2**). According to the applicant, the proposed warehouse is for storage of electronic goods (including brand new tablets and mobile phones). No second-hand electronic goods and recyclable materials will be stored at the Site, and no workshop activities will be carried out at the Site and no medium or heavy goods vehicles, including container tractors/trailers, will be allowed to access the Site. Plans showing the site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-2** respectively.
- 1.3 The Site is the subject of three previous applications (No. A/YL-TYST/380, 813 and 988) approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2008 and 2019 (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/988 (a)	Current Application No. A/YL-TYST/1200 (b)	Difference (b)-(a)
Applied/ Proposed Use	Temporary Warehouse for Storage of Construction Material for a Period of 3 Years	Proposed Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years	Change in Stored Items
Site Area	About 1,000 m ²	About 890 m ²	-110 m ² (-11%)
Total Floor Area (Non-domestic)	About 555 m ²		---
No. and Height of Structures	5 • for warehouses, site office and toilet (3.5 – 8.5m, 1 storey)		---
No. of Parking Space	Nil		---
No. of Loading/ Unloading Space	1 (for light goods vehicle) (7 m x 3.5 m 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 10.1.2023 (**Appendix I**)
- (b) Further Information (FI) received on 24.2.2023* (**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 (**Appendix I**). They can be summarised as follows:

- (a) The proposed use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F);
- (b) the Site is the subject of three previous planning permissions for various warehouse uses since 2008. A fresh planning application is submitted as the applicant decided not to encroach onto the Government Land adjoining the Site;
- (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 proposed 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 proposed 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 three approved previous applications (No. A/YL-TYST/380, 813 and 988) for various temporary warehouse uses covering different extents of the Site¹. All three applications were approved with conditions each for a period of three years by the Committee between 2008 and 2019 mainly on the considerations that the development was generally not incompatible with the surrounding areas; the development was generally in line with the planning intention of the then “U” zone; 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 permission under application No. A/YL-TYST/380 was subsequently revoked in 2009 due to non-compliance with approval conditions. For the last planning application No. A/YL-TYST/988, all the time limited approval conditions were complied with and the planning permission lapsed on 16.11.2022. Details of the applications 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/988), the current application is submitted by the same applicant for similar warehouse use (with different items stored) at a slightly smaller site with the same layout and development parameters albeit with shorter operation hours (see paragraph 1.4).

6. Similar Applications

There had been eight similar planning applications (No. A/YL-TYST/884, 902, 938, 986, 1040, 1055, 1068 and 1131)² for various temporary warehouse uses within/straddling the subject “O” zone since 2018, which were all approved with conditions by the Committee mainly on similar considerations as those in paragraph 5.1 above. However, the planning

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

² Four of the application sites (No. A/YL-TYST/884, 902, 938 and 986) were zoned “U” on previous versions of the OZPs at the time of consideration by the Committee.

permissions for two of them were subsequently 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 “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.

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 (**Plans A-2 and A-3**); and
- (b) paved, fenced off and occupied by a vacant structure (**Plans A-2 and A-4**).

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

- (a) comprise predominantly warehouses, open storage/storage yards and vehicle repair workshops, with scattered residential structures, parking of vehicles, car servicing, a chicken shed, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate north; and
- (c) except for one vehicle repair workshop and five warehouses with valid planning permissions (No. A/YL-TYST/1008, 1037, 1040, 1055, 1068 and 1131) as well as another warehouse and a vehicle repair workshop in its north, the remaining warehouses, open storage/storage yards, vehicle repair workshops, parking of vehicles, car servicing and chicken shed in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 III and IV** respectively.

9.2 The following government department has adverse comment on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

He has grave concerns given that there are unauthorized building works and/or uses

on Lots 1492, 1493 S.B and 1493 RP in D.D. 119 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by his department.

10. Public Comment Received During the Statutory Publication Period

On 17.1.2023, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of electronic goods for a period of three years at the Site zoned “O” on the OZP. Although the proposed use is not in line with the planning intention of the “O” zone (earmarked for District Open Space under Stage 2B of Yuen Long South 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. 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, open storage/ storage yards and vehicle repair workshops with some of them covered by valid planning permissions (**Plan A-2**). While there are scattered residential structures in the vicinity, the proposed 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. However, DLO/YL, LandsD has grave concerns on the application as there are unauthorized building works and/or uses on the Site which are currently subject to lease enforcement actions. In this regard, the applicant indicates that he will take action to remedy the lease breaches as demanded by DLO/YL, LandsD (**Appendix Ia**). 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 three previous approvals for similar temporary warehouse uses had been granted to the Site and eight similar applications within/straddling the subject “O” zone have been approved since 2018, approval of the current application is generally in line with the Committee’s previous decisions.
- 11.5 There is no public comment received on the application during the statutory publication period.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the proposed temporary warehouse for storage of electronic goods 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 3.3.2026. 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 3.6.2023;
- (c) 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 3.9.2023;
- (d) in relation to (c) 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 3.12.2023;
- (e) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 proposed use is not in line with the planning intention of the "O" zone, which is primarily for the provision of outdoor open-air public space. 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 attachments received on 10.1.2023
Appendix Ia	FI received on 24.2.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2023**