

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

**APPLICATION NO. A/YL-TYST/1227**

<b><u>Applicant</u></b>	:	Fortune Lunar Development Investment Limited represented by Metro Planning and Development Company Limited
<b><u>Site</u></b>	:	Various Lots in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
<b><u>Site Area</u></b>	:	15,785 m <sup>2</sup> (about)
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<b><u>Zoning</u></b>	:	“Undetermined” (“U”)
<b><u>Application</u></b>	:	Renewal of Planning Approval for Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop activities 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 under application No. A/YL-TYST/1042 until 21.8.2023 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kung Um Road via a local track to its east (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the application is mainly for open storage of building materials (including metal bars), recycling materials (including paper, metal and plastic), construction machinery (including tower crane parts and excavators) and used electrical/electronic appliances (including air-conditioners and fans) and parts (including motors from construction machinery).

The ancillary workshop activities, i.e. cutting and packaging of recycling materials, will take place at structures No. 1, 11 to 14, 19 to 21 and 25 to 30 (**Drawing A-2**). No ancillary workshop activities will be allowed at uncovered area of the Site. No dismantling/other workshop activities involving used electrical/electronic appliances and parts and storage/handling of cathode-ray tubes and any other types of electronic waste will be carried out within the Site. The applicant also pledges to maintain all existing trees in good condition. Plans showing the vehicular access leading to the Site, site layout and landscape proposal, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of eight previous applications including seven applications (No. A/YL-TYST/194, 309, 427, 556, 703, 847 and 1042) for various temporary open storage with/without ancillary packaging or workshop uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2003 and 2020 (details at paragraph 6 below).
- 1.4 Compared with the last application (A/YL-TYST/1042), 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<sup>1</sup>. The major development parameters of the current application are summarised as follows:

<b>Site Area</b>	About 15,785 m <sup>2</sup>
<b>Total Floor Area (Non-domestic)</b>	About 3,474 m <sup>2</sup>
<b>No. and Height of Structures</b>	31 • for storage, shelter for storage/ancillary cutting/ packaging activities, site offices, toilets and electrical rooms (2.5-7m, 1-2 storey(s))
<b>No. of Parking Spaces</b>	8 (1 for private car) (5m x 2.5m) (7 for container vehicles) (16m x 3.5m)
<b>No. of Loading/ Unloading Space</b>	Nil
<b>Operation Hours</b>	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 12.6.2023 (**Appendix I**)
- (b) Supplementary Statement (**Appendix Ia**)
- (b) Further Information (FI) received on 18.7.2023\* (**Appendix Ib**)
- (c) FI received on 3.8.2023\* (**Appendix Ic**)
- \* *accepted and exempted from publication requirements*

<sup>1</sup> Operation hours under application No. A/YL-TYST/1042 are between 7:00 a.m. and 9:00 p.m., with no operation on Sundays and public holidays.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs (**Appendices I to Ic**). They can be summarised as follows:

- (a) the Site was the subject of previous planning permissions for open storage uses with/without ancillary packaging or workshop uses and the current proposal is the same as the last application (No. A/YL-TYST/1042);
- (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. 13G);
- (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 were 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 purpose 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 publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Town Planning Board Guidelines**

- 4.1 TPB PG-No. 13G is relevant to the application. The Site falls within Category 1 area under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 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) is also relevant to the application. The relevant assessment criteria are at **Appendix III**.

## **5. Background**

The Site is currently not subject to planning enforcement action.

## **6. Previous Applications**

- 6.1 The Site involves eight previous applications for various temporary open storage with/without ancillary packaging or workshop uses covering different extents of the

Site. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.

- 6.2 Seven applications (No. A/YL-TYST/194, 309, 427, 556, 703, 847 and 1042) were approved with conditions each for a period of three years by the Committee between 2003 and 2020 mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later version); not incompatible with the surrounding uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, one of the planning permissions (No. A/YL-TYST/703) was subsequently revoked in 2017 due to non-compliance with approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-TYST/1042 have been complied with and the planning permission is valid until 21.8.2023.
- 6.3 Application No. A/YL-TYST/297 for similar open storage use was rejected by the Committee on 29.7.2005 mainly on the grounds that there were potential adverse environmental and drainage impacts; and the proposal did not comply with the then TPB PG-No.13 in that no previous approval had been granted to the site, the proposal was not compatible with the residential structures along the access road and there were adverse departmental comments from the Director of Environmental Protection (DEP).

## **7. Similar Applications**

A total of 24 similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject “U” zone had been considered by the Committee in the past five years. All 24 applications were approved by the Committee mainly on similar considerations as those in paragraph 6.2 above. However, the planning permissions for four of them were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.

## **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-1a to A-4b)**

- 9.1 The Site is:

- (a) accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1042 (**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 a residential structure, a car park, hobby farm, graves, unused land and vacant land/structures;
- (b) to its south are storage yards, warehouses, graves, unused land, vacant land/structures and a residential structure located about 35m to the south of the Site;
- (c) to its immediate northwest is a nullah flanked by Lam Tai West Road and Lam Tai East Road;
- (d) to its east are an open storage yard, graves and unused land;
- (e) to its immediate west is an area zoned “Green Belt” on the OZP and a hobby farm; and
- (f) except for the hobby farm and a warehouse and open storage yard with valid planning permissions (No. A/YL-TYST/999 and 1105), the remaining warehouses, open storage/storage yards 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 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 V and VI** respectively.

10.2 The following government department does not support the application:

### **Environment**

10.2.1 Comments from the DEP:

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 35m to the south of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;

- (b) there was one substantiated environmental complaint concerning part of the Site received in 2022 which was related to noise nuisances from the Site. During the site inspection conducted by his department, workshop activities were spotted at the Site. It was spotted that more sound reduction fabric was installed for noise reduction and waste disposal records were checked. A verbal advice was given to the site manager that no polluted water could be discharged from the Site. There is no prosecution record and no ongoing prosecution case for the Site; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix VI**.

## **11. Public Comment Received During the Statutory Publication Period**

On 23.6.2023, 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 open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop activities 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” zone mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport has no adverse comment on the application. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls partly within an area zoned “Government”, “Other Specified Uses” and “Residential - Zone 2 (with Commercial)” and partly within an area shown as ‘Road’ 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 for a period of three years would not jeopardise the long-term development of the area.
- 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 is a residential structure in the vicinity, the applied use is generally not incompatible with the surrounding uses.
- 12.3 According to TPB PG-No. 13G, the Site falls within Category 1 areas. The following guidelines are relevant:

Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the

implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

- 12.4 The application is generally in line with TPB PG-No. 13G in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; and local concerns and technical requirements of relevant government departments could be addressed through the implementation of approval conditions.
- 12.5 The application is also 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/1042; 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.
- 12.6 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 about 35m to its south) (**Plan A-2**), and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected. While there was a substantiated environmental complaint concerning noise nuisances at the Site received in the past three years, no prosecution record and ongoing prosecution case was conducted by DEP at the Site. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other 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 planning enforcement action. 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” and to keep the Site clean and tidy at all times.
- 12.7 Given that seven previous approvals for various temporary open storage uses had been granted to the Site from 2003 to 2020 and 24 similar applications within/straddling the subject “U” zone have been approved in the past five years, approval of the current application is in line with the Committee’s previous decisions. There was one previous application rejected by the Committee in 2005 mainly on the considerations that there were potential adverse drainage and environmental impacts; and the proposal did not comply with the then TPB PG-No. 13 in that no previous approval had been granted to the site. Such considerations are generally not applicable to the current application as the Chief Engineer/Mainland North, Drainage Services Department has no objection to the application, the environmental concerns could be addressed by imposing approval conditions and advisory clauses, and the proposal is considered generally in line with the prevailing TPB PG-No. 13G.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the applied temporary open storage with ancillary workshop activities 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 22.8.2023 to 21.8.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no dismantling/other workshop activities involving used electrical/electronic appliances and parts and storage/handling of cathode-ray tubes and any other types of electronic waste, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) no workshop activities, as proposed by the applicant, are allowed at the uncovered areas of the Site at any time during the planning approval period;
- (e) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (f) 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 22.11.2023;
- (g) the existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (h) if any of the above planning condition (a), (b), (c), (d), (e) or (g) 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
- (i) if the above planning condition (f) 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 condition (a) is updated as per the current proposal; conditions (b), (c), (e) and (f) are the same as that under the permission for application No. A/YL-TYST/1042; condition (d) is imposed as proposed by the applicant; condition (g) is imposed as per comments of Fire Services Department; requirements for maintenance of landscaping and boundary fence 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 VI**.



- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

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**

<b>Appendix I</b>	Application Form with attachments received on 12.6.2023
<b>Appendix Ia</b>	Supplementary Statement
<b>Appendix Ib</b>	FI received on 18.7.2023
<b>Appendix Ic</b>	FI received on 3.8.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Relevant Extracts of TPB PG-No. 34D
<b>Appendix IV</b>	Previous and Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Site Layout and Landscape Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2023**