

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1236

- Applicant** : Mr. LAU Yau Sum represented by Metro Planning & Development Company Limited
- Site** : Lots 1277 S.B (Part), 1279 S.B ss.1 S.A, 1279 S.B ss.1 S.B (Part) and 1281 in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 1,900 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
- Zonings** : “Residential (Group C)” (“R(C)”) (about 98.5%); and
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]

“Undetermined” (“U”) (about 1.5%)¹
- Application** : Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials 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 the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Kung Um Road to its southeast via a local track (**Plan A-3**). According to the applicant, the applied use is for a warehouse for storage of construction materials (including nuts, screws, metal plates, etc.). No open storage, repairing, dismantling, cleaning or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

container tractors/trailers, are allowed to access the Site. Plans showing the vehicular and pedestrian access leading to the Site, site layout and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is the subject of five previous applications, including one application (No. A/YL-TYST/524) for temporary warehouse use rejected by the Board upon review on 15.7.2011. The other four applications applied for various temporary uses not relevant to the subject application. (details at paragraph 5 below).
- 1.4 The major development parameters of the current application are summarised as follows:

Site Area	About 1,900 m ²
Total Floor Area (Non-domestic)	About 1,312 m ²
No. and Height of Structures	2 • for warehouse and toilet (3 – 6.5m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading Spaces	2 (for light goods vehicles) (7 m x 3.5 m each)
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 an Application Form with attachments received on 4.8.2023 (**Appendix I**).

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) a fresh planning application for warehouse use is submitted due to the promulgation of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13G) and the Site falls within the Category 2 areas under the TPB PG-No. 13G;
- (b) the temporary use would not jeopardise the long-term planning intention. The applied use is not incompatible with the surrounding environment. A number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site (i.e. the “U” zone to its immediate south) and their planning circumstances are similar to those of the Site. Besides, there is a shortage of land for port back-up uses in TYST; and
- (c) there will be minimal traffic, drainage and environmental 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 Ping Shan 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 is involved in five previous applications, including three approved applications (No. A/YL-TYST/577, 738 and 1121) and one rejected application (No. A/YL-TYST/914) for various temporary uses not relevant to the current application, as well as one rejected application (No. A/YL-TYST/524) for similar warehouse use as the current application. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

5.2 Application No. A/YL-TYST/524 for temporary warehouse for storage of recycling materials (excluding electronic waste and not involving processing activities) was rejected by the Board upon review on 15.7.2011 mainly on the considerations that the applied use was not in line with the planning intention of the “R(C)” zone and the development would generate adverse environmental impact on the residential use in the vicinity of the site.

6. Similar Applications

6.1 There are two similar planning applications for temporary warehouse use (No. A/YL-TYST/1232 and 1233) within the subject “R(C)” zone which was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 25.8.2023 and 11.9.2023 respectively mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term development of the area; the applied use was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the applications are summarised at **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

6.2 For Members’ information, Application No. A/YL-TYST/1235 for temporary warehouse for storage of food provisions for a period of three years within the same “R(C)” zone will also be considered at this meeting (**Plan A-1a**).

7. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

8.1 The Site is:

- (a) accessible from Kung Um Road to its southeast via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by the applied use without valid planning permission.

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, a car servicing workshop, marble workshop, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 50m to its northwest; and
- (c) except for four warehouses with valid planning permissions (No. A/YL-TYST/1097, 1100, 1205 and 1232), the remaining warehouses, open storage/storage yards, car servicing workshop and marble workshop 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 Comment Received During the Statutory Publication Period

On 11.8.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concern that the Board should take into consideration the revocation history of the previous planning applications (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of construction materials for a period of three years at the Site mainly zoned “R(C)” on the OZP. The Site falls within the possible expansion of the Yuen Long South (YLS) Development Area which is currently under review together with YLS Third Phase Development. In this regard, 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. DLO/YL, LandsD also advises that there is no development proposal involving the Site. As such, despite the applied use is not in line with the planning intention of “R(C)” zone,

approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.

- 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 scattered 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 (DEP), 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 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” to minimise any potential environmental impact on the surrounding areas.
- 11.4 There was one previous application (No. A/YL-TYST/524) for temporary warehouse use rejected by the Board upon review in 2011 mainly on the considerations that the applied use was not in line with the planning intention of the “R(C)” zone and the development would generate adverse environmental impact on the residential use in the vicinity of the site. The circumstances of the current application are different in that DEP has no adverse comment on the application from environmental perspective. Given that two similar applications within the subject “R(C)” zone have been approved in the past five years, approval of the current application is not in conflict with the previous decisions of the Committee/the Board.
- 11.5 There is one public comment raising concern on the application received 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 comment mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse for storage of construction materials 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 22.9.2026. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.6.2024;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 22.3.2024;
- (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 22.6.2024;
- (e) if the above planning condition (b) 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 (a), (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 Members' reference:

the applied use is not in line with the planning intention of the "R(C)" zone, which is primarily for low-rise and low-density residential developments. No strong planning justification has been given in the submission for 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 4.8.2023
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed 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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2023**