

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1240**

- Applicant** : Merrily Development and Investment Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 670, 772, 773 (Part) and 769 in D.D. 119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 4,212 m<sup>2</sup> (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** : “Undetermined” (“U”)
- Application** : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) 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). There are currently works in progress on the Site (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kung Um Road to its southeast via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed use is for storage of non-dangerous goods (including vehicle parts, construction materials and brand new electronic goods, etc.) and all items will be stored within an enclosed structure. No workshop activities will be carried out at the Site and no vehicles exceeding 5.5 tonnes will be allowed to access the Site. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 Part of the Site is involved in six previous applications for various temporary warehouse uses and four of them were approved with conditions for a period of one

to three years by the Rural and New Town Planning Committee (the Committee) or by the Board upon review between 2000 and 2007 (details at paragraph 5 below).

- 1.4 The major development parameters of the current application are summarised as follows:

Site Area	About 4,212 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 2,800 m <sup>2</sup>
No. and Height of Structures	13 • for warehouses (8.5m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading Spaces	3 (for light goods vehicle) (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 the following documents:

- (a) Application Form with attachments received on 13.10.2023 (**Appendix I**)
  - (b) Further Information (FI) received on 24.11.2023\* (**Appendix Ia**)
  - (c) FI received on 1.12.2023\* (**Appendix Ib**)
- \* *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 Site is the subject of previous planning applications. A fresh planning application is submitted as the applicant is the latest tenant of the Site and the structures at the Site will be demolished;
- (b) 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.13G). A number of similar applications for 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 those of the Site;
- (c) the temporary use would not jeopardise the long-term planning intention. 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. 31B) 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 southwestern part of the Site is involved in six previous applications including four approved applications (No. A/YL-TYST/108, 157, 210 and 332) and two rejected applications (No. A/YL-TYST/238 and 478) for various temporary warehouse uses covering smaller sites. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

##### ***Approved Applications (4 Cases)***

5.2 Applications No. A/YL-TYST/108, 157, 210 and 332 were approved with conditions each for a period of one to three years by the Committee or the Board upon review between 2000 and 2007 mainly on the considerations that the proposals were not incompatible with the surrounding uses; the developments would unlikely generate significant adverse environmental impact on the surrounding areas; and the concerns of relevant government departments could be addressed by approval conditions. However, the above planning permissions were subsequently revoked between 2001 and 2008 due to non-compliance with time-limited approval conditions.

##### ***Rejected Applications (2 Cases)***

5.3 Applications No. A/YL-TYST/238 and 478 were rejected by the Board upon review in 2004 and 2010 respectively mainly on the grounds that the development would generate adverse environmental, landscape, drainage and fire safety impacts on the surrounding areas; and approval of 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.

#### **6. Similar Applications**

6.1 A total of 89 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” zone had been considered by the Committee in the past five years. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

6.2 Out of the 89 similar applications, 85 were approved by the Committee mainly on similar considerations as those in paragraph 5.2 above. However, the planning permissions for 30 of them were subsequently revoked due to non-compliance with approval conditions.

- 6.3 The remaining four applications were rejected by the Committee between 2018 and 2021 on similar considerations as those summarised in paragraph 5.3 above.
- 6.4 For Members' information, application No. A/YL-TYST/1241 for temporary warehouse for storage of furniture for a period of three years within the same "U" zone will also be considered at this meeting (**Plan A-1a**).

## **7. Planning Intention**

- 7.1 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.
- 7.2 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.

## **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 southeast via a local track (**Plans A-2 and A-3**); and
  - (b) there are currently works in progress on the Site (**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, a vehicle repair workshop, graves, 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 northwest; and
  - (c) the warehouses, open storage/storage yards and vehicle repair 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 20.10.2023, 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 (excluding dangerous goods godown) for a period of three years at the Site zoned “U” on the OZP. The proposed 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, the Commissioner for Transport has no adverse comment on the application. Under the Revised Recommended Outline Development Plan of YLS, part of the Site falls within areas zoned “Residential – Zone 2 (Subsidised Sale Flats with Commercial)” and “Amenity” and an area shown as ‘Road’ under Stage 3 of YLS Development, and part of it has also been included in the possible expansion of YLS Development Area. 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. Approval of the application on a temporary basis 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 (**Plan A-2**). While there are residential structures in the vicinity, the proposed use is generally not incompatible with the surrounding area.
- 11.3 Concerned government departments, including 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. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other 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 Four previous approvals for temporary warehouse uses have been granted to the southern portion of the Site between 2000 and 2007 and 85 similar applications within/straddling the subject “U” zone have been approved in the past five years. Despite there were two previous applications (No. A/YL-TYST/238 and 478) and four similar applications rejected mainly on the considerations stated in paragraph 5.3 above, such considerations are not applicable to the current application as the concerned departments have no adverse comment on the current application on environmental, landscape, drainage and fire safety aspects, and the Site has been vacated and the previous operation had ceased before the current application was submitted. As such, the current application could be considered afresh and approval of the current application is not in conflict with the previous decisions of the Committee/the Board.

## **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 (excluding dangerous goods godown) 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 8.12.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 8.6.2024;
- (b) in relation to (a) above, the implementation of the 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 8.9.2024;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 8.6.2024;
- (e) in relation to (d) 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 8.9.2024;
- (f) if the above planning condition (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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 There is no strong reason to recommend rejection of the application.

## **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**

<b>Appendix I</b>	Application Form with attachments received on 13.10.2023
<b>Appendix Ia</b>	FI received on 24.11.2023
<b>Appendix Ib</b>	FI received on 1.12.2023
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2023**