

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1242

- Applicant** : Golden Macro Logistics Limited represented by R-riches Property Consultants Limited
- Site** : Lot 2611 S.A (Part) in D.D. 124 and Adjoining Government Land (GL), Tan Kwai Tsuen, Yuen Long, New Territories
- Site Area** : 1,450 m² (about) (including GL of about 327 m² (22.6%))
- 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 D)” (“R(D)”) (about 79.7%);
[Restricted to a maximum plot ratio of 0.2 and a maximum building height (BH) of 2 storeys (6m)]
- “Residential (Group B) 1” (“R(B)1”) (about 19.6%); and
[Restricted to a maximum plot ratio of 1, a maximum site coverage of 40% and a maximum BH of 4 storeys over single-storey car park (15m)]
- “Government, Institution or Community” (“G/IC”) (about 0.7%)¹
- Application** : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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 paved and largely occupied by a vacant structure (**Plans A-2 to A-4**).
- 1.2 The Site is abutting Shui Fu Road to its north which connects with Tan Kwai Tsuen Road (**Plans A-2 and A-3**). According to the applicant, the existing vacant

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

structure at the Site would be converted to warehouse for storage of miscellaneous goods (including packaged food, apparel, footwear, electronic goods and furniture, etc.). All the items would be stored within a fully enclosed structure. No dangerous goods will be stored and no open storage, repairing, assembling, dismantling or workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, swept path analysis and landscape proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is the subject of three previous applications, including one application (No. A/YL-TYST/701) for temporary warehouse use rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 12.12.2014 (details at paragraph 5 below). The major development parameters of the current application are summarised as follows:

Site Area	About 1,450 m ²
Total Floor Area (Non-domestic)	About 1,084 m ²
No. and Height of Structure	1 • for warehouse, site office, rain shelter, washroom and fire service installations (7.5m, 1 storey)
No. of Parking Spaces	2 (for private cars) (5 m x 2.5 m each)
No. of Loading/Unloading Space	1 (for light goods vehicle) (7 m x 3.5 m)
Operation Hours	9:00a.m. to 7:00p.m., with no operation on Sundays and public holidays

- 1.4 In support of the application, the applicant has submitted the following documents:

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|-----|--|---------------|
| (a) | Application Form received on 12.10.2023 | (Appendix I) |
| (b) | Supplementary Planning Statement | (Appendix Ia) |
| (c) | Further Information (FI) received on 20.11.2023* | (Appendix Ib) |
| (d) | FI received on 12.12.2023* | (Appendix Ic) |
| (e) | FI received on 16.1.2024* | (Appendix Id) |
| (f) | FI received on 18.3.2024* | (Appendix Ie) |

* *accepted and exempted from publication requirements*

- 1.5 On 8.12.2023 and 26.1.2024, the Committee agreed to defer making a decision on the application for two months respectively as requested by the applicant.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement and FIs (**Appendices Ia to Ie**). They can be summarised as follows:

- (a) the current application aims to relocate an existing warehouse operation affected by the First Phase of the Yuen Long South (YLS) Development;

- (b) the applicant has conducted a site search process to identify suitable site for the relocation of the affected operation. Identifying a suitable relocation site was challenging due to land use incompatibility, environmental concerns, land ownership, accessibility and site area issues. The Site is considered suitable for relocation as it is accessible from Tan Kwai Tsuen Road via Shui Fu Road and is occupied by an existing temporary structure. The proposed floor area of the current application (i.e. about 1,084 m²) is of similar size as the current operation (i.e. about 1,094 m²);
- (c) the temporary use would not jeopardise the long-term planning intention. The proposed use is not incompatible with the surrounding environment. A 2.5m high boundary fencing with vertical greening and a total of eight new trees are proposed by the applicant to minimise the visual impact to the surrounding area (**Drawing A-4**); and
- (d) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”). No adverse traffic, environmental, drainage and landscape impacts arising from the proposed use are envisaged.

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 Ha Tsuen Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

The Site is involved in three previous applications. Application No. A/YL-TYST/701 for temporary warehouse for storage of construction material was rejected by the Committee on 12.12.2014 mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; there was potential environmental impact to the surrounding area; and approval of the application would set an undesirable precedent. Applications No. A/YL-TYST/918 and 1050 are for temporary shop and services and place of recreation, sports or culture (indoor recreation centre) uses respectively, the considerations of which are not relevant to the current application which involves a different use. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

6. Similar Application

There is no similar application within the subject “R(D)” and “R(B)1” zones.

7. Planning Intentions

7.1 The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

7.2 The planning intention of the “R(B)1” zone is primarily for sub-urban medium-density residential developments in rural areas 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-4)

8.1 The Site is:

(a) abutting Shui Fu Road connecting with Tan Kwai Tsuen Road to its north (**Plans A-2 and A-3**); and

(b) paved and largely occupied by a vacant structure (**Plans A-2 to A-4**).

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

(a) comprise predominantly residential developments/structures intermixed with open storage/storage yards, the Rosary Church ², a village office, Muhammadia Ghosia Islamic Community Centre, parking of vehicles, sitting-out area, grave, toilet and unused land; and

(b) some of the open storage/storage yards and car park 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 paragraphs 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 comments on the application:

² The Ying Yin Catholic Kindergarten adjoining the Rosary Church had ceased operation and its registration was cancelled in 2009.

Land Administration

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

- (a) he has grave concerns given that there are unauthorized building works and/or uses on Lot 2611 S.A in D.D. 124 which is already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by his department; and
- (b) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.

10. Public Comment Received During the Statutory Publication Periods

On 24.10.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application that the proposed warehouse use is incompatible with the surrounding uses and there would be adverse traffic and fire safety concerns (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site mainly zoned “R(D)” and partly zoned “R(B)1” on the OZP. According to the applicant, the application is to facilitate the relocation of business operation affected by the First Phase of YLS Development. The applicant has undergone a site selection process before identifying the Site as the most suitable relocation site. The size of the Site (i.e. about 1,450 m²) is smaller than its current operation (i.e. about 2,488 m²) while the proposed floor area of the current application (i.e. about 1,084 m²) is comparable to the existing operation (i.e. about 1,094 m²). There is no known development proposal involving the Site. As such, despite the proposed use is not in line with the planning intentions of the “R(D)” and “R(B)1” zones, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term planning intention of the area.
- 11.2 The surrounding area comprises predominantly residential developments/structures intermixed with community and religious facilities, open storage/storage yards and other rural uses (**Plan A-2**). While there are residential developments/structures in the vicinity, the Site is screened off by an existing church building from Tan Kwai Tsuen Road and the proposed use will be accommodated in an existing structure which is fully enclosed. A 2.5m high boundary fencing with vertical greening is also proposed along the boundary of the Site and eight new trees will be planted along the eastern boundary of the Site to minimise the visual impact to the nearby environment. As such, the proposed use is considered not entirely incompatible with the surrounding area.
- 11.3 Concerned government departments, including the Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North,

Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives. DLO/YL, LandsD has raised concerns on the application as there are unauthorized building works and/or uses on the Site which are already subject to lease enforcement actions. In this regard, the applicant will be advised to rectify the lease breaches with LandsD should this application be approved and the applicant indicates that it will take action to remedy the lease breaches as demanded by DLO/YL, LandsD upon approval of the current application (**Appendix Ib**). 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 possible environmental nuisance on the surrounding areas.

- 11.4 There was one previous application (No. A/YL-TYST/701) for temporary warehouse use rejected by the Committee on 12.12.2014 mainly on the considerations stated in paragraph 5 above. The circumstances of the current application are different in that there is a change in the stored items (i.e. from construction material to miscellaneous goods (including packaged food, apparel, footwear, electronic goods and furniture, etc.)); the proposed use will be accommodated in an existing structure which is fully enclosed with the provision of boundary fencing and vertical greening and planting strip to minimise potential nuisance (**Drawing A-4**); and DEP has no adverse comment on the application from environmental perspective. In view of the above, approval of the current application is not in conflict with the previous decision of the Committee.
- 11.5 There is one public comment objecting to 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 proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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 10.5.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 7:00 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 dangerous goods are allowed to be stored at the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no open storage, repairing, assembling, dismantling or workshop activities, as proposed by the applicant, are allowed on the site during the planning approval period;
- (e) the provision of boundary fence on the site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.11.2024;
- (f) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.11.2024;
- (g) in relation to (f) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.2.2025;
- (h) 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 10.11.2024;
- (i) in relation to (h) 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 10.2.2025;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) 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 10.11.2024;
- (l) in relation to (k) 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 10.2.2025;
- (m) if any of the above planning condition (a), (b), (c), (d) or (j) 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
- (n) if any of the above planning condition (e), (f), (g), (h), (i), (k) or (l) 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 are suggested for Members' reference:

the proposed use is not in line with the planning intentions of the "R(D)" and "R(B)1" zones which are primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low-density residential development; and for sub-urban medium-density residential developments in rural areas respectively. No strong planning justification has been given in the submission for a departure from the planning intentions, 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 received on 12.10.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 20.11.2023
Appendix Ic	FI received on 12.12.2023
Appendix Id	FI received on 16.1.2024
Appendix Ie	FI received on 18.3.2024
Appendix II	Previous 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	Swept Path Analysis
Drawing A-4	Landscape Proposal
Plan A-1a	Location Plan
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2024**