

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1244

- Applicant** : Yat Cheong (China) Development Limited represented by Top Bright Consultants Limited
- Site** : Lots 1544 (Part) and 1545 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 1,691 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse for Storage of Documents and Office Supplies for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of documents and office supplies 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 without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**). According to the applicant, the Site will only be used for storage purpose and no workshop activities will be carried out on the Site. Only light goods vehicle (LGV) (not exceeding 5.5 tonnes) will be used for delivery of storage materials, generating about 2 to 4 trips per day. 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 The Site is involved in six previous applications including two applications for temporary warehouse use approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board in

2017 and 2020 respectively (details at paragraph 5 below).

- 1.4 Compared with the last application (No. A/YL-TYST/1054), the current application is submitted by the same applicant for the same use at the same site with changes in layout and development parameters. A comparison of the major development parameters of the current application and the last application is summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1054 (a)	Current Application No. A/YL-TYST/1244 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Documents and Office Supplies for a Period of 3 Years		---
Site Area	About 1,691m ²		---
Total Floor Area (Non-domestic)	About 799 m ²	About 888.5 m ²	+89.5 m ² (+11.2%)
No. and Height of Structures	6 • for warehouse, site office and rain shelters (3 – 6.8m, 1 storey)	8 • for warehouse, site office, rain shelters and meter rooms (2.65 – 6.8m, 1 storey)	+2
No. of Parking Space	1 (for LGV) (7m x 3.5m)		---
No. of Loading/ Unloading Space	Nil		---
Operation Hours	9:00 a.m. to 7:00 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 received on 2.11.2023 **(Appendix I)**
 (b) Supplementary Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

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

- (a) the application is in line with the planning intention of the “U” zone. A number of similar applications have been approved by the Board in the vicinity of the Site. The applied use is compatible with the surrounding environment and the temporary use would not jeopardise the long-term development in the area;
- (b) the Site is the subject of previous planning permissions and all the approval conditions under the previous application (No. A/YL-TYST/1054) have been complied with. Besides, there is a shortage of land for warehouse use in the New Territories; and

- (c) there will be no adverse environmental, drainage and traffic 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. 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 Site is involved in six approved previous applications, including two approved applications (No. A/YL-TYST/861 and 1054) for the same temporary warehouse use as the current application and four approved applications (No. A/YL-TYST/355, 487, 677 and 739) for temporary open storage use of which the considerations are not relevant to the current application. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TYST/861 and 1054 were approved with conditions each for a period of three years by the Committee in 2017 and 2020 respectively mainly on the considerations that the proposals were not incompatible with the surrounding areas; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the departmental concerns could be addressed by imposing approval conditions. All the time-limited approval conditions under the last application (No. A/YL-TYST/1054) had been complied with and the planning permission lapsed on 25.11.2023.

6. Similar Applications

- 6.1 A total of 90 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” zone have 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 90 similar applications, 86 were approved by the Committee mainly on similar considerations as those mentioned 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 the grounds that approval of the 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.

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 east via a local track (**Plans A-2 and A-3**); and
- (b) paved, largely 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 open storage/storage yards and warehouses intermixed with residential structures, parking of vehicles, vehicle repair workshops, car servicing, agricultural land and unused land;
- (b) there are scattered residential structures in the vicinity of the Site with the nearest one located to its immediate southwest;
- (c) to the south of the Site are a cluster of village settlements that fall within an area zoned “Village Type Development” on the OZP; and
- (d) except for two warehouses and two open storage yards with valid planning permissions (No. A/YL-TYST/1081, 1122, 1213 and 1230), the remaining warehouses, open storage/storage yards, parking of vehicles and vehicle repair workshops in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

9. Comments from Relevant Government Departments

All government department 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 10.11.2023, 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 temporary warehouse for storage of documents and office supplies 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” zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport (C for T) has no adverse comment on the application. Under the Revised Recommended Outline Development Plan of YLS, the Site falls within areas partly zoned “Other Specified Uses (Mixed Use)” and “Residential – Zone 2 (with Commercial)” and partly within an area shown as ‘Road’. 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 with some of them covered by valid planning permissions (**Plan A-2**). While there are residential structures in the vicinity, the applied use is generally not incompatible with the surrounding area.

11.3 Concerned government departments, including the 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 from traffic, environmental, fire safety and drainage perspectives. 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 Given that two previous approvals for the same temporary warehouse use have been granted to the Site and 86 similar applications within/straddling the subject “U” zone have been approved in the past five years, approval of the application is generally in line with the Committee’s previous decisions.

12. Planning Department’s Views

12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of documents and office supplies 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

22.12.2026. 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 existing drainage facilities implemented on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.3.2024;
- (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 TPB by 22.6.2024;
- (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 TPB by 22.9.2024;
- (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 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

Appendix I Application Form received on 2.11.2023

Appendix Ia	Supplementary Planning Statement
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout 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
DECEMBER 2023**