

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

APPLICATION NO. A/YL-TYST/1247

<u>Applicant</u>	:	Top Crown Engineering Limited represented by Top Bright Consultants Limited
<u>Site</u>	:	Lots 1160 (Part), 1161, 1163 S.B (Part), 1164 RP (Part), 1174 (Part) and 1175 (Part) in D.D. 119, Kung Um Road, Yuen Long, New Territories
<u>Site Area</u>	:	5,027 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Undetermined” (“U”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Open Storage of Construction Materials and Recyclable Materials with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of construction materials and recyclable materials with ancillary workshop for a period of three years at the application site (the Site) (**Plan A-1**). 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/1062 until 8.1.2024 (**Plans A-2 to A-4b**).
- 1.2 The Site is abutting Kung Um Road to its east (**Plans A-2 and A-3**). According to the applicant, the application is mainly for open storage of construction materials (including iron bars, water pipes and metals) and recyclable materials (including plastic, metal and paper). Except for consolidation, classification, dismantling and packing of recyclable materials, no burning or other workshop activities will be carried out within the Site. No grinding or polishing of dusty materials will be carried out at the open area of the Site. The applicant also pledges to provide a 2-metre high fencing around the Site, preserve and provide routine horticultural

maintenance for all existing trees at the Site. Vehicle access to the Site will be by appointment. Plans showing the site layout, proposed drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in five previous applications for various temporary open storage with/without ancillary workshop uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2008 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (A/YL-TYST/1062), 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/1062 (a)	Current Application No. A/YL-TYST/1247 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Materials and Recyclable Materials with Ancillary Workshop for a Period of 3 Years		---
Site Area	About 5,027 m ²		---
Total Floor Area (Non-domestic)	About 908 m ²	About 953 m ²	+45 m ² (+5.0%)
No. and Height of Structures	34 • for storerooms, site offices, shelter, washrooms, canopies, ancillary workshop, meter room and E&M rooms (2.5 – 7m, 1-2 storey(s))	27 • for storerooms, site offices, shelter, canopies, washrooms, ancillary workshop, meter room and E&M rooms (2.5 – 7m, 1-2 storey(s))	-7
No. of Parking Spaces	3 (for private cars) (5m x 2.5m each)		---
No. of Loading/Unloading Spaces	3 (for medium/heavy goods vehicles) (11m x 3.5m each)		---
Operation Hours	9:00 a.m. to 6:00 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 10.11.2023 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (b) Further Information (FI) received on 28.11.2023 **(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 Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

- (a) the temporary use is in line with the planning intention of the “U” zone and will not frustrate the long-term development of the area. A number of similar open storage uses have been approved by the Board in the vicinity of the Site. The applied use is not incompatible with the surrounding environment;
- (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) and the Site was the subject of five previous planning permissions for open storage with/without ancillary workshop uses. The applicant has complied with all the approval conditions of the previous application No. A/YL-TYST/1062;
- (c) there is a shortage of land for open storage use and the applied use could contribute to the Government policy in supporting local recycling industry; and
- (d) there will be no adverse environmental, visual, 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 Shap Pat Heung Rural Committee by registered post. 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

The Site is involved in five previous applications (No. A/YL-TYST/381, 593, 766, 936 and 1062) for various temporary open storage with/without ancillary workshop uses covering different extents of the Site. All five applications were approved with conditions for a period of three years by the Committee between 2008 and 2021 mainly on the considerations that the developments were 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, three of the planning permissions (No. A/YL-TYST/381, 766 and 936) were subsequently revoked between 2009 and 2021 respectively due to non-compliance with approval conditions. All the time-limited approval conditions under the last approved application No. A/YL-TYST/1062 have been complied with and the planning permission is valid until 8.1.2024. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1**

7. Similar Applications

A total of 25 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 25 applications were approved by the Committee mainly on similar considerations as those in paragraph 6 above. However, the planning permissions for three 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-1**.

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) abutting Kung Um Road to its east (**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/1062 (**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 scattered residential structures, car park/parking of vehicles/trucks, car servicing and vacant land/structures;
- (b) there are scattered residential structures in the vicinity of the Site with the nearest one located about 30m to its west;
- (c) except for three warehouses and an open storage yard with valid planning permissions (No. A/YL-TYST/1079, 1167, 1217 and 1220), the remaining warehouses, open storage/storage yards, parking of vehicles and car service 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 Director of Environmental Protection (DEP):

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 45m to the west of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) no environmental complaint concerning the Site was received in the past three years; 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 17.11.2023, 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 construction materials and recyclable materials with ancillary workshop 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 (C for T) has no adverse comment on the application. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls partly within areas zoned “Education” and “Local Open Space” under Stage 3 of YLS Development and a minor portion shown as ‘Road’ under Stage 2B 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. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.

- 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 are scattered residential structures in the vicinity, the applied use is generally not incompatible with the surrounding uses.
- 12.3 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.
- 12.4 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/1062; 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.
- 12.5 There is no adverse comment from concerned government departments, including the C for T, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department on traffic, fire safety and drainage aspects respectively. 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 30m to its west) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected. However, there was no environmental complaint concerning the Site received by DEP in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise 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.

- 12.6 Given that five previous approvals for various temporary open storage uses had been granted to the Site from 2008 to 2021 and 25 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.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary open storage of construction materials and recyclable materials with ancillary workshop 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 9.1.2024 to 8.1.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no operation between 6:00 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) except for consolidation, classification, dismantling and packing of recycled materials, no burning and other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities on the Site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 9.4.2024;
- (f) the provision of fire extinguisher(s) within **6** weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 20.2.2024;
- (g) the submission of a revised fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.7.2024;
- (h) the implementation of the revised fire service installations proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 9.10.2024;

- (i) if any of the above planning condition (a), (b), (c) or (d) 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
- (j) if any of the above planning condition (e), (f), (g) or (h) 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 conditions (a) and (b) are the same as that under the permission for application No. A/YL-TYST/1062; condition (c) is updated as per the current proposal; conditions (d), (e), (f), (g) and (h) are imposed as per comments of Drainage Services Department and 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

Appendix I	Application Form received on 10.11.2023
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 28.11.2023
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses

Appendix VII	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Site Layout Plan
Drawing A-2	Proposed Drainage Plan
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2023**