

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

**APPLICATION NO. A/YL-TYST/1252**

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning & Development Company Limited
- Site** : Lots 1198 S.C (Part), 1198 S.D (Part), 1198 S.E (Part), 1198 S.G (Part), 1201 (Part), 1202 RP (Part), 1210 S.F RP (Part), 1225 (Part), 1226 (Part), 1238 (Part), 1239 (Part) and 1252 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 4,084 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** : Temporary Warehouse and Open Storage of Furniture, Exhibition Materials, Construction Materials/Machinery and Household Detergent for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse and open storage of furniture, exhibition materials, construction materials/machinery and household detergent 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 paved, fenced off and 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 east via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the Site will predominantly be used for warehouse for storage of furniture, exhibition materials, construction materials/machinery and household detergent (including chairs, tables, tiles, electric generator, handy tools and sanitary ware, etc.), together with an area of about 58m<sup>2</sup> for open storage use (i.e. about 1.4% of the Site). No repairing, dismantling, spraying, cleaning, or other workshop activities will be carried out at

the Site and no container trailers/tractors, as defined in the Road Traffic Ordinance, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, proposed layout plan and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in eight previous applications including seven applications for various temporary warehouse and/or open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2003 and 2021 (details at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1038), the current application is submitted by the same applicant for the same use at the same site with slightly different layout and development parameters. The major development parameters of the current application and the last previously approved application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1038 (a)	Current Application No. A/YL-TYST/1252 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse and Open Storage of Furniture, Exhibition Materials, Construction Materials/Machinery and Household Detergent for a Period of 3 Years		---
Site Area	About 4,084 m <sup>2</sup>		---
Total Floor Area (Non-domestic)	About 1,859.8 m <sup>2</sup>	About 1,699.8 m <sup>2</sup>	-160 m <sup>2</sup> (-8.6%)
No. and Height of Structures	13 • for warehouses, site office, toilet, pump room and water tank (3 – 8m, 1-2 storey(s))		---
No. of Parking Space	Nil		---
No. of Loading/Unloading Space	1 (for medium/heavy goods vehicle) (11m x 3.5m)		---
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 10.1.2024 (**Appendix I**)
- (b) Further Information (FI) received on 26.2.2024 (**Appendix Ia**)  
*[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 has been the subject of previous planning permissions for the same use since 2015. All the planning conditions under the last planning application No.

A/YL-TYST/1038 had been complied with. A fresh planning application is submitted due to delay in the extension of tenancy;

- (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);
- (c) the temporary use would not jeopardise the long-term planning intention. A number of 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 that of the Site. The applied 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, noise and drainage 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. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site is involved in eight previous applications for various temporary warehouse and/or open storage uses covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

#### Approved applications (7 Cases)

- 5.2 Applications No. A/YL-TYST/213, 329, 442, 608, 751, 904 and 1038 for similar temporary warehouse and/or open storage uses were approved with conditions by the Committee between 2003 and 2021 mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later versions); the development was not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. However, the planning permissions for two of them were subsequently revoked due to non-compliance with approval conditions. As for the last application (No. A/YL-TYST/1038), all the time-limited approval conditions have been complied with and the planning permission lapsed on 23.1.2024.

Rejected application (1 Case)

- 5.3 Application No. A/YL-TYST/290 for temporary open storage of marble and marble workshop with converted container site office for a period of three years was rejected by the Committee in 2005 mainly on the considerations that the development did not comply with the then TPB PG-No. 13C in that it was in close proximity to the nearby residential structures; there were adverse departmental comments on the application; and there was insufficient information in the submission to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.

**6. Similar Applications**

- 6.1 A total of 91 similar planning applications for various temporary warehouse and/or open storage 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 91 similar applications, 89 were approved by the Committee between 2019 and 2023 mainly on similar considerations as those in paragraph 5.2 above. However, the planning permissions for 24 of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining two applications for temporary warehouse use were rejected by the Committee in 2019 and 2021 respectively on the grounds that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning applications for temporary uses, thus nullifying the statutory planning control system.
- 6.4 For Members’ information, application No. A/YL-TYST/1253 for temporary warehouse and open storage of exhibition materials 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-4b)**

- 8.1 The Site is:

- (a) accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**);
- (b) paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

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 logistic centre, glass workshop, vehicle repairing workshops and unused land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 15m to its northeast; and
- (c) except for a glass workshop, three warehouses and a vehicle repairing workshop with valid planning permissions (No. A/YL-TYST/1112, 1171, 1174, 1197 and 1241), the remaining warehouses, open storage/storage yards, logistic centre and vehicle repairing workshops in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 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 does not support the application:

### **Environment**

10.2.1 Comments of 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 to about 15m to its northeast) (**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 IV**.

## **10. Public Comment Received During the Statutory Publication Period**

On 19.1.2024, 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 and open storage of furniture, exhibition materials, construction materials/machinery and household detergent 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, majority of the Site falls within an area zoned “Other Specified Uses” annotated “Mixed Uses” with a minor portion zoned “Local Open Space” under Stage 3 of YLS Development and partly within an area 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 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.
- 11.2 The surrounding area comprises predominantly warehouses, open storage/storage yards and workshops 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.
- 11.3 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 (CE/MN, DSD) 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 15m to its northeast) (**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 12.2 below to minimise any 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.
- 11.4 Given that seven previous approvals for various warehouse and/or open storage uses have been granted to the Site from 2003 to 2021 and 89 similar applications within/straddling the subject “U” zone have been approved in the past five years, approval of the current application is generally in line with the Committee’s previous decisions. Despite there were one previous application (No. A/YL-

TYST/290) and two similar applications rejected by the Committee mainly on the grounds stated in paragraphs 5.3 and 6.3 respectively, such considerations are not applicable to the current application as all the time-limited approval conditions of the last application (No. A/YL-TYST/1038) have been complied with; CE/MN, DSD has no objection to the application; and the considerations in paragraph 11.3 above are also relevant.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary warehouse and open storage of furniture, exhibition materials, construction materials/machinery and household detergent 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 1.3.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) no operation between 5:00 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 repairing, dismantling, spraying, cleaning or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 1.6.2024;
- (g) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 12.4.2024;
- (h) 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 1.9.2024;

- (i) in relation to (h) 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 1.12.2024;
- (j) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (k) if any of the above planning condition (f), (g), (h) or (i) 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 applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding area.

**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 10.1.2024
<b>Appendix Ia</b>	FI received on 26.2.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	The Good Practice Guidelines for Open Storage Sites
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	As-built Drainage 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>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2024**