

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1253

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning and Development Company Limited
- Site** : Lot 1263 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 610 m² (about) (including GL of about 13 m² (about 2.1%))
- 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 Exhibition Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse and open storage of exhibition materials 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-4**).
- 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 exhibition materials (including booth, desk, chairs and pamphlets, etc.), together with an area of about 13.4m² for open storage use (i.e. about 2.2% of the Site). No repairing, dismantling, spraying, cleaning or other workshop activities will be carried out at the Site and no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance will be allowed to be parked/stored on or enter/exit. 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 four previous applications for the same temporary warehouse and open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2011 and 2020 (details at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1012), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters albeit with shorter operation hours¹. The major development parameters of the current application are summarised as follows:

Site Area	About 610 m ²
Total Floor Area (Non-domestic)	Not more than 445 m ²
No. and Height of Structures	2 • for warehouses and site office (8m, 1-2 storey(s))
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for light goods vehicle) (7m 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 2011. 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 purpose in TYST;
- (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 temporary use would not jeopardise the long-term planning intention; and
- (c) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied use.

¹ Operation hours under application No. A/YL-TYST/1012 are between 9:00 a.m. to 7:00 p.m., with no operation on Sundays and public holidays.

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. For the GL portion, the requirements under 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 four previous applications (No. A/YLTYST/520, 666, 833 and 1012) for the same use as the current application covering slightly different extents of the Site. All four applications were approved with conditions for a period of three years by the Committee between 2011 and 2020 mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13E (or its later versions); approval of the application on a temporary basis would not frustrate the long-term development of the area; the developments were not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. All the time-limited approval conditions under the last approved application (No. A/YL-TYST/1012) have been complied with and the planning permission lapsed on 29.4.2023. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

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 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/1252 for temporary warehouse and open storage of furniture, exhibition materials, construction

materials/machinery and household detergent 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 east via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).

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

- (a) comprise predominantly open storage/storage yards and warehouses with scattered residential structures, a vehicle repairing workshop and unused land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate south; and
- (c) the open storage/storage yards, warehouses and vehicle repairing 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 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 exhibition materials 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 within an area zoned “Residential – Zone 2 (Subsidised Sale Flats with Commercial)” under Stage 3 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.
- 11.2 The surrounding area comprises predominantly open storage/storage yards and warehouses (**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 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” and to keep the Site clean and tidy at all times.
- 11.4 Given that four previous approvals for the same warehouse and open storage use have been granted to the Site from 2011 to 2020 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 two similar applications for temporary warehouse use rejected by the Committee mainly on the grounds stated in paragraph 6.3 above, such consideration is not applicable to the current application as all the time-limited approval conditions of the last application (No. A/YL-TYST/1012) have been complied with.

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 exhibition materials 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) 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 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;
- (c) 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;
- (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 1.9.2024;
- (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 1.12.2024;
- (f) 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
- (g) if any of the above planning condition (b), (c), (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

Appendix I	Application Form with attachments received on 10.1.2024
Appendix Ia	FI received on 26.2.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-built Drainage 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
MARCH 2024**