

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

**APPLICATION NO. A/YL-TYST/1255**

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning & Development Company Limited
- Site** : Lot 1198 S.E (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 606 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** : Proposed Temporary Warehouse for Storage of Vehicles and Vehicle Parts for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of vehicles and vehicle parts 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 a vehicle repair workshop 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 short local track (**Plans A-2 and A-3**). According to the applicant, the Site will be used for storage of vehicles and vehicle parts (including body parts, GPS and car audio systems). 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 trailer/tractor, 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 seven previous applications for various temporary warehouse with or without 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/1070), the current application is submitted by the same applicant for similar temporary warehouse use with changes in stored items (i.e. from construction material to vehicles and vehicle parts) at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	About 606 m <sup>2</sup>
Total Floor Area (Non-domestic)	Not more than 414 m <sup>2</sup>
No. and Height of Structures	3 • for warehouses and toilet (3 – 7m, 1 storey)
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 25.1.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 21.2.2024\* (**Appendix Ia**)
  - (c) FI received on 8.3.2024\* (**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 Application Form (**Appendix I**). They can be summarised as follows:

- (a) the Site is the subject of previous planning permissions and the time-limited planning condition under the last planning application No. A/YL-TYST/1070 had been complied with. A fresh planning application is submitted due to change in stored items;
- (b) the proposed 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 development 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 proposed 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**

The Site is involved in seven previous applications (No. A/YL-TYST/213, 329, 442, 608, 751, 889 and 1070) for various temporary warehouse with or without open storage uses covering different extents of the Site. All seven applications were approved with conditions for a period of three years by the Committee between 2003 and 2021 mainly on the considerations that the proposals were 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 permission of A/YL-TYST/329 was subsequently revoked due to non-compliance with time-limited approval conditions. As for the last application (No. A/YL-TYST/1070), the time-limited approval condition has been complied with and the planning permission is valid until 20.4.2024. 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 75 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 75 similar applications, 73 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 5 above. However, the planning permissions for 22 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.

## **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 short local track (**Plans A-2 and A-3**);
  - (b) paved, fenced off and occupied by a temporary structure for vehicle repair workshop 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 warehouses and open storage/storage yards with scattered residential structures, a logistic centre, glass workshop, unused land and vacant land/structures;
  - (b) there are residential structures in the vicinity of the Site with the nearest one located about 40m to its southwest; and
  - (c) except for five warehouses with valid planning permissions (No. A/YL-TYST/1079, 1094, 1138, 1171 and 1174), the remaining warehouses, open storage/storage yards, logistic centre and glass workshop 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 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 has adverse comment on the application:

### **Land Administration**

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

He has reservation on the planning application since there is/are unauthorized structure(s) and/or uses on the private lot which is already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization on the lease breaches as demanded by his department.

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

On 2.2.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals alleging that the Site is causing adverse traffic, noise, environmental and sewerage impacts on the surrounding area and the Site is occupied by a two-storey structure which does not tally with the proposed scheme (**Appendix V**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary warehouse for storage of vehicles and vehicle parts for a period of three years at the Site zoned “U” on the OZP. The proposed 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 partly falls within an area zoned “Other Specified Uses (Mixed Use)” and “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 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 proposed 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. DLO/YL, LandsD has concerns on the application as there are unauthorized structure and/or uses on the Site which are already subject to lease enforcement actions. In this regard, the applicant indicates that he will apply for Short Term Waiver to the DLO/YL, LandsD upon approval of the current application to regularise the unauthorized structures (**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 and that the planning permission does not condone any other development/use found on the Site (i.e. vehicle repair workshop) but not covered by the application.

- 11.4 Given that seven previous approvals for various warehouse with or without open storage uses have been granted to the Site from 2003 to 2021 and 73 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.
- 11.5 There are two public comments raising concerns on the application received during the statutory publication period as summarised in paragraph 10 above. Regarding the concerns on noise and environmental impacts arising from the Site, the applicant claims that the existing tenancy of the Site expired in the end of February 2024 and no repairing, dismantling, spraying, cleaning or other workshop activities would be allowed at the Site (**Appendix Ia**). The planning considerations and assessments in paragraphs 11.1 to 11.4 above are also relevant.

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

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department considers that the proposed temporary warehouse for storage of vehicles and vehicle parts 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 15.3.2027. 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 medium or heavy goods vehicles, including 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 15.6.2024;
- (g) 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 15.9.2024;
- (h) in relation to (g) 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 15.12.2024;
- (i) 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
- (j) if any of the above planning condition (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.

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**

<b>Appendix I</b>	Application Form with attachments received on 25.1.2024
<b>Appendix Ia</b>	FI received on 21.2.2024

<b>Appendix Ib</b>	FI received on 8.3.2024
<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>	Public Comments
<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>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2024**