

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1256

- Applicant** : Luen Shun Property Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 1495 (Part) in D.D. 119 and Adjoining Government Land (GL), Kung Um Road, Yuen Long, New Territories
- Site Area** : 1,890 m² (about) (including GL of about 157 m² (about 8.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Open Space” (“O”) (about 96.3%); and
“Residential (Group A) 3” (“R(A)3”) (about 3.7%)¹
[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]
- Application** : Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for 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, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by vacant warehouse structures (**Plans A-2 to A-4**).
- 1.2 The Site is abutting Kung Um Road to its east (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of exhibition materials (including boards, booths, desks, chairs and pamphlets). No storage of used electronic goods and recyclable materials and no workshop activities will be carried out at the Site. All the exhibition materials will be stored within enclosed structures. No heavy goods vehicles, including container trailers/tractors, will be allowed to enter the Site.

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

Plans showing the site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is involved in nine previous applications including four applications for various temporary warehouse with/without other uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2021 (details at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1055), the current application is submitted by the same applicant for the same use 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 1,890 m ²
Total Floor Area (Non-domestic)	About 1,140 m ²
No. and Height of Structures	7 • for warehouses, toilet, pump room and water tank (3.5 - 10m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for light/medium 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 an Application Form with attachments received on 25.1.2024 (**Appendix I**).

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 has been occupied by the applied use since 2015. All the approval conditions under the last planning application (No. A/YL-TYST/1055) had been complied with;
- (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. 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**

5.1 The Site is involved in nine previous applications, including four approved applications (No. A/YL-TYST/655, 747, 902 and 1055) for similar temporary warehouse uses with/without other uses, covering slightly different extents of the Site². The remaining five applications (No. A/YL-TYST/134, 151, 179, 203 and 234) are for various temporary open storage uses which considerations are not relevant to the current application. Details of the 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/655, 747, 902 and 1055 were approved with conditions each for a period of three years by the Committee between 2014 and 2021 mainly on the considerations that 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 permission of A/YL-TYST/902 was subsequently revoked due to non-compliance with approval conditions. As for the last application (No. A/YL-TYST/1055), all the time-limited approval conditions have been complied with and the planning permission lapsed on 26.2.2024.

6. **Similar Applications**

6.1 A total of five similar planning applications for various temporary warehouse uses within/straddling the subject “O” zone were approved with conditions by the Committee in the past five years mainly on similar considerations as those in paragraph 5.2 above. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

6.2 For Members’ information, application No. A/YL-TYST/1257 for renewal of planning approval for temporary warehouse for storage of machinery and spare

² All the application sites (except application No. A/YL-TYST/1055) were zoned “Undetermined” on previous versions of OZP at the time of consideration by the Committee.

parts for a period of three years straddling the same “O” zone will also be considered at this meeting (**Plan A-1a**).

7. Planning Intention

The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

8. The Site and Its Surrounding Areas (Plans A-1a to A-4)

8.1 The Site is:

- (a) abutting Kung Um Road to its east (**Plans A-2 and A-3**);
- (b) paved, fenced off and occupied by vacant warehouse structures 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, vehicle repairing/car servicing workshops, a chicken shed and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southwest; and
- (c) except for six warehouses with valid planning permissions (No. A/YL-TYST/1068, 1131, 1162, 1200, 1210 and 1221) as well as a warehouse and a vehicle repairing workshop to the north of the Site, the remaining warehouses, open storage/storage yards and vehicle repairing/car servicing 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 provide 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 its immediate southwest) (**Plan**

A-2) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected;

- (b) there was no environmental complaint concerning the Site 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 2.2.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concern that the Board should question whether the approval conditions of the last application (No. A/YL-TYST/1055) had been complied with (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of exhibition materials for a period of three years at the Site mainly zoned “O” on the OZP. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls mainly within an area zoned “District Open Space” with a minor portion zoned “Residential – Zone 1 (Subsidised Sale Flats with Commercial)” and partly within an area shown as ‘Road’ under Stage 2B of YLS Development. The Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department, Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services 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 (**Appendix IV**).
- 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 applied use is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment from concerned government departments, including the Commissioner for Transport, 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 to its immediate southwest) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected. However, no environmental complaint concerning the Site has been 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”.

- 11.4 Given that four previous approvals for various warehouse uses with/without other uses have been granted to the Site from 2014 to 2021 and five similar applications within/straddling the subject “O” 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 is one public comment raising concern on the application received during the statutory public inspection period as summarised in paragraph 10 above. For the last application No. A/YL-TYST/1055, all the time-limited approval conditions have been complied with. 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 comment mentioned in paragraph 10 above, the Planning Department considers that the temporary warehouse for 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 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 workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no 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) 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 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intention of the "O" zone which is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) 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

Appendix I	Application Form with attachments received on 25.1.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Site Layout Plan
Drawing A-2	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**