

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

APPLICATION NO. A/YL-TYST/1257

<u>Applicant</u>	:	Luen Shun Property Company Limited represented by Metro Planning and Development Company Limited
<u>Site</u>	:	Lots 1483 S.A RP and 1483 S.B RP in D.D. 119 and Adjoining Government Land (GL), Kung Um Road, Yuen Long, New Territories
<u>Site Area</u>	:	1,430 m ² (about) (including GL of about 75 m ² (about 5.2%))
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zonings</u>	:	“Government, Institution or Community (2)” (“G/IC(2)”) (about 42.1%); <i>[Restricted to a maximum building height of 4 storeys]</i> “Open Space” (“O”) (about 23%); and area shown as ‘Road’ (about 34.9%)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary warehouse for storage of machinery and spare parts 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 covering Notes of the OZP also states that all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1068 until 6.4.2024 (**Plans A-1b 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 applied use is for storage of machinery (including sewing machines and other machines related to textile industry) and spare parts (including

sewing machine parts, textile related machinery and vehicle parts). No workshop activities will be carried out at the Site and no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to access the Site. Plans showing the site layout, as-built drainage facilities 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 including four applications for the same temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1068), 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 1,430 m ²
Total Floor Area (Non-domestic)	Not more than 902 m ²
No. and Height of Structures	6 • for warehouses, toilet, pump room and water tank (3 – 7m, 1 storey)
No. of Parking Space	1 (for light goods vehicle) (7m x 3.5m)
No. of Loading/ Unloading Space	Nil
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 8.2.2024* (**Appendix Ia**)
 - (c) FI received on 5.3.2024* (**Appendix Ib**)
 - (d) FI received on 8.3.2024* (**Appendix Ic**)
- * *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 five previous planning permissions and has been occupied by the applied use since 2014. All the approval conditions under the last planning application (No. A/YL-TYST/1068) 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 of the area. 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 not incompatible with these uses in the surroundings. 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. Town Planning Board Guidelines

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) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site is involved in five previous applications, including four approved applications (No. A/YL-TYST/702, 862, 884 and 1068) for the same use covering the same site as the current application¹. The remaining application (No. A/YL-TYST/42) is for open storage use which considerations are not relevant to the current application. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/702, 862, 884 and 1068 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 jeopardise the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. However, the planning permission

¹ All the application sites (except application No. A/YL-TYST/1068) were zoned “Undetermined” on previous versions of OZP at the time of consideration by the Committee.

of A/YL-TYST/862 was subsequently revoked due to non-compliance with approval conditions. As for the last application (No. A/YL-TYST/1068), all the time-limited approval conditions have been complied with and the planning permission is valid until 6.4.2024.

7. Similar Applications

- 7.1 A total of five similar planning applications for various temporary warehouse uses within/straddling the subject “O” zone and area shown as ‘Road’ were approved with conditions each for a period of three years by the Committee in the past five years mainly on similar considerations as those in paragraph 6.2 above. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 For Members’ information, application No. A/YL-TYST/1256 for temporary warehouse for storage of exhibition materials for a period of three years within the same “O” zone will also be considered at this meeting (**Plan A-1a**).

8. Planning Intentions

- 8.1 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 8.2 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.

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/1068 (**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, vehicle repairing workshops, parking of vehicles, a chicken shed, unused land and vacant land/structures;
 - (b) there are scattered residential structures in the vicinity of the Site with the nearest one located to its immediate south;

- (c) to the further north and southeast across a nullah flanked by Kung Um Road and Kiu Hing Road are areas zoned “Village Type Development” consisting mainly of village houses; and
- (d) except for two warehouses with valid planning permissions (No. A/YL-TYST/1200 and 1210) as well as a warehouse and a vehicle repairing workshop to the south of the Site, the remaining warehouses, open storage/storage yards, vehicle repairing workshops and parking of vehicles in the vicinity are suspected unauthorized developments subject to planning enforcement action.

10. 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 IV** and **V** respectively.

11. 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, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary warehouse for storage of machinery and spare parts for a period of three years at the Site partly zoned “G/IC(2)” (about 42.1%) and “O” (about 23%) and partly within an area shown as ‘Road’ (about 34.9%) on the OZP. Under the Revised Recommended Outline Development Plan of Yuen Long South (YLS) Development, the Site falls partly within areas zoned “Other Specified Uses (Electricity Substation)” and “District Open Space” 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 V**).
- 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. 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/1068; 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.

- 12.4 Concerned government departments, including the Commissioner for Transport, 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 13.2 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 potential environmental nuisance on the surrounding areas.
- 12.5 Given that four previous approvals for the same use have been granted to the Site from 2014 to 2021 and five similar applications 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 warehouse for storage of machinery and spare parts 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 7.4.2024 to 6.4.2027. 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.7.2024;
- (c) 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 7.10.2024;
- (d) 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 7.1.2025;

- (e) 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
- (f) if any of the above planning condition (b), (c) or (d) 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/1068; conditions (c) and (d) are imposed as per comments of Fire Services Department; requirements for maintenance of landscaping and boundary fencing, as well as restrictions on operation hours, specific activities and vehicle types 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Member's reference:

the applied use is not in line with the planning intentions of the "G/IC" and "O" zones which are primarily for the provision of Government, institution or community facilities and outdoor open-air public space respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis.

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 with attachments received on 25.1.2024
Appendix Ia	FI received on 8.2.2024
Appendix Ib	FI received on 5.3.2024
Appendix Ic	FI received on 8.3.2024
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications

Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2024**