

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1259

- Applicant** : Toi Toi Hong Kong Limited represented by Cosmos Gem Limited (金信寶有限公司)
- Site** : Lots 1319, 1320 S.A, 1320 RP, 1321 S.A, 1321 S.B, 1322 (Part) and 1323 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 5,350 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group C)” (“R(C)”) (about 97.9%); and
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]

“Undetermined” (“U”) (about 2.1%)¹
- Application** : Proposed Temporary Warehouse and Open Storage of Recyclable Materials, Mobile Toilets and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse and open storage of recyclable materials, mobile toilets and construction materials for a period of three years at the application site (the Site) (**Plan A-1**). 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 vacant and partly covered with weed and vegetation (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kung Um Road to its northeast via a local track and the ingress/egress is at the northern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the Site will be used for storage of recyclable materials (including plastic and metal), mobile toilets and construction materials (including bricks, metal and cement). An area of about 1,620 m² within the Site is

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.
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proposed for open storage uses (i.e. about 30.3% of the Site) (**Appendix Ia**). No inflammable items will be stored and no selling, repairing, spraying, cleansing, dismantling, vehicle cleaning or workshop activities will be carried out at the Site. Vehicle access to the Site will be by appointment. Plans showing the vehicular access leading to the Site and the site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 According to the applicant, the current application is to facilitate the relocation of their existing warehouse and open storage operation (in various lots in D.D. 121) affected by the land resumption and clearance exercise under the Second Phase Development of the Yuen Long South (YLS) Development Area (**Appendix Ib**). Thus, there is an imminent need for the applicant to secure a relocation site to continue their affected operation. The proposed floor area of the current application and the area for open storage use (i.e. total of about 2,241.5 m²) is smaller than the warehouse and open storage areas occupied by the current operation (i.e. about 3,716.1 m²).
- 1.4 The Site is involved in four previous applications including one application (No. A/YL-TYST/28) for temporary open storage use covering a minor portion of the Site along its southern boundary (**Plan A-1**), which was rejected by the Board upon review in 1998 (details at paragraph 6 below). The major development parameters of the current application are summarised as follows:

Site Area	About 5,350 m ²
Total Floor Area (Non-domestic)	About 621.5 m ²
No. and Height of Structures	6 • for warehouses, offices, electrical meter rooms and toilets (4 to 6m, 1 storey)
No. of Parking Spaces	2 (for light goods vehicles) (7 m x 3.5 m each)
No. of Loading/ Unloading Spaces	2 (for light goods vehicles) (7 m x 3.5 m each)
Operation Hours	9:00a.m. to 6:00p.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 16.2.2024 (**Appendix I**)
 - (b) Supplementary Information received on 21.2.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 27.2.2024* (**Appendix Ib**)
 - (d) Further Information (FI) received on 28.3.2024* (**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 attachments to the Application Form and FI (**Appendices I** and **Ib**). They can be summarised as follows:

- (a) the current application aims to relocate an existing warehouse and open storage operations affected by the Second Phase Development of the YLS DA;
- (b) the applicant has conducted a site search process to identify suitable site for the relocation of the affected operation and the Site is considered suitable for relocation;
- (c) the temporary uses would not jeopardise the long-term planning intention. A number of similar applications for temporary warehouse uses have been approved by the Board in the vicinity of the Site and the proposed uses are not incompatible with the surrounding environment; and
- (d) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and the proposed uses would not induce adverse traffic and environmental impacts to the surroundings.

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 Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

TPB PG-No. 13G is relevant to the application. The Site falls mainly within Category 2 under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is attached 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 four previous applications, including one rejected application (No. A/YL-TYST/28) for temporary open storage use covering a minor portion of the Site along its southern boundary (**Plan A-1**). The remaining three applications (No. A/YL-TYST/736, 821 and 924) are for temporary hydroponics farm, plant nursery and shop and services uses 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-1**.

6.2 Application No. A/YL-TYST/28 for proposed temporary open storage of construction materials was rejected by the Board upon review in 1998 mainly on the grounds that the proposed development was incompatible with the surrounding areas; the proposed development would encircle a number of existing domestic structures which would be adversely affected by the noise generated by the

proposed development and access to these structures would also be denied by the development; no information to demonstrate that the vehicular access arrangement was satisfactory; insufficient information to demonstrate that the development would not generate adverse environmental/drainage impacts; and setting an undesirable precedent.

7. Similar Applications

Four similar planning applications for various temporary warehouse uses within the subject “R(C)” zone were approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board in the past five years mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term development of the area; the proposal was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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

9.1 The Site is:

- (a) accessible from Kung Um Road to its northeast via a local track (**Plans A-2 and A-3**);
- (b) fenced off, currently vacant and partly covered with weed and vegetation (**Plans A-2 to A-4**).

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, parking of vehicles, plant nursery, agricultural land, graves, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its south; and
- (c) except for three warehouses and an open storage yard with valid planning permissions (No. A/YL-TYST/1105, 1211, 1213 and 1233), the remaining warehouses, open storage/storage yards and parking of vehicles in the vicinity are suspected unauthorized developments subject to planning enforcement action.

10. Comments from Relevant Government Bureau / Departments

10.1 Apart from the government bureau as set out in paragraph 10.2 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 IV and V** respectively.

10.2 The following government bureau supports the application:

Policy Support

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the current application is to facilitate relocation of a brownfield operation for warehouse/open storage in Yuen Long, which will be affected by the Second Phase development of the YLS Development. According to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of its business elsewhere to pave way for the clearance under the project, and the Site under the current application is considered suitable and practicable after the site search. It is noted that the size of the Site is comparable to its current operation to be cleared by the Government; and
- (b) according to the concerned departments, the proposed use is not incompatible with surrounding land uses and would not create insurmountable impacts in technical terms subject to imposition of appropriate approval conditions. To facilitate smooth clearance for the project and provision of operating space for displaced brownfield operations still needed by the community, the application is supported from the policy perspective.

11. Public Comment Received During the Statutory Publication Period

On 23.2.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual alleging that the Site is occupied by a recycling operation and requiring the Board to question whether such operation had commenced upon revocation of the previous application No. A/YL-TYST/924 and the proposed use would generate adverse drainage impact (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary warehouse and open storage of recyclable materials, mobile toilets and construction materials for a period of three years at the Site mainly zoned “R(C)” on the OZP. According to the applicant, the application is to facilitate the relocation of business operation affected by the Second Phase of YLS Development. The applicant has undergone a site selection process before identifying the Site as the most suitable relocation site. The Site is located in proximity to the current operation, and the proposed area for warehouse and open storage uses (i.e. about 2,241.5 m²) is smaller than its current operation (i.e. about 3,716.1 m²). To facilitate smooth clearance for the YLS Development

and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from the policy perspective.

- 12.2 The major portion of the Site falls within the possible expansion of the YLS Development Area which is currently under review together with YLS Third Phase Development. In this regard, CE/CID, PlanD and PM(W), CEDD have no objection to the application. In view of the above and with policy support from SDEV, despite the proposed uses are not in line with the planning intention of “R(C)” zone, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area.
- 12.3 The surrounding area comprises predominantly warehouses open storage/storage yards with some of them covered by valid planning permissions (**Plan A-2**). While there are residential structures in the vicinity, the proposed use is generally not incompatible with the surrounding uses.
- 12.4 Concerned government departments, including the Commissioner for Transport (C for T), Director of Environmental Protection (DEP), Director of Food and Environmental Hygiene (DFEH), Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) 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 other 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.
- 12.5 The application is generally in line with the TPB PG-No. 13G in that no adverse departmental comment has been received on the application or the concerns of relevant government departments and local residents can be addressed through the implementation of approval conditions.
- 12.6 There was one previous application (No. A/YL-TYST/28) for temporary open storage use rejected by the Board upon review in 1998 on the considerations stated in paragraph 6.2 above. The circumstances of the current application are different in that policy support is given by SDEV and relevant departments including C for T, DEP, FEHD and CE/MN, DSD have no objection/no adverse comment on the application from traffic, environmental and drainage perspectives. Given that four similar applications within the subject “R(C)” zone have been approved in the past five years, approval of the current application is not in conflict with the previous decisions of the Committee/the Board.
- 12.7 There is one public comment raising concerns on the application received during statutory public inspection period as summarised in paragraph 11 above. The Site is currently vacant and the planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the proposed temporary warehouse and open storage of

recyclable materials, mobile toilets and construction materials could be tolerated for a 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 until 5.4.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.10.2024;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.1.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 17.5.2024;
- (e) 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 5.10.2024;
- (f) in relation to (e) 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 5.1.2025;
- (g) if the above planning condition (c) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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 V**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed uses are not in line with the planning intention of the "R(C)" zone which is primarily for low-rise and low-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, 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 16.2.2024
Appendix Ia	SI received on 21.2.2024
Appendix Ib	FI received on 27.2.2024
Appendix Ic	FI received on 28.3.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	The Good Practice Guidelines for Open Storage Sites
Appendix VII	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**