

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1260

- Applicant** : Top Crown Engineering Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1167 S.A RP and 1172 in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 1,074 m² (about) (including GL of about 248 m² (about 23.1%))
- 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 for Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction 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-4b**).
- 1.2 The Site is abutting Kung Um Road to its southeast (**Plans A-2 and A-3**). According to the applicant, the Site is used for storage of construction materials (including pipes, barricades, bricks and sanitary wares). No workshop activity 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 landscape proposal with site layout and as-built drainage plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site is involved in three previous applications for the same temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2021 (details at paragraph 5 below).

- 1.4 Compared with the last application (No. A/YL-TYST/1079), 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 1,074 m ²
Total Floor Area (Non-domestic)	Not more than 477 m ²
No. and Height of Structures	5 • for warehouses, electricity meter room, site office and toilet (3 – 8.5m, 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 an Application Form with attachments received on 29.2.2024 (**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:

- the Site is the subject of previous planning permissions and has been occupied by the applied use since 2015. The time-limited planning conditions under the last planning application No. A/YL-TYST/1079 had been complied with;
- 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);
- 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
- there will be minimal traffic, environmental and drainage impacts arising from the applied use.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, 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) are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

The Site is involved in three previous applications (No. A/YL-TYST/707, 867 and 1079) for the same temporary warehouse use covering the same site. All three applications were approved with conditions for a period of three years by the Committee between 2015 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. As for the last application (No. A/YL-TYST/1079), all the time-limited approval conditions have been complied with and the planning permission lapsed on 26.3.2024. 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 77 similar planning applications for various temporary warehouse 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 77 similar applications, 75 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 5 above. However, the planning permissions for 25 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/1261 for renewal of planning approval for temporary warehouse for storage of machinery, spare parts and construction material for a period of three years within the subject “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-4b)

8.1 The Site is:

- (a) abutting Kung Um Road to its southeast (**Plans A-2 and A-3**);
- (b) paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

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, parking of vehicles, car servicing/vehicle repair workshops and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate east; and
- (c) except for two warehouses and two open storage yards with valid planning permissions (No. A/YL-TYST/1133, 1220, 1241 and 1247), the remaining warehouses, open storage/storage yards, parking of vehicles and car servicing/vehicle repair workshops in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Comments from Relevant Government Departments

All government department 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 8.3.2024, 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 for storage of construction 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. 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, the Site mainly falls within an area zoned “Local Open Space” with a minor portion zoned “Other Specified Uses (Mixed Use)” 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 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 respectively. 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.
- 11.4 Given that three previous approvals for the same temporary warehouse use have been granted to the Site from 2015 to 2021 and 75 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.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of construction 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 19.4.2027. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 19.7.2024;
- (c) 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 19.10.2024;
- (d) in relation to (c) 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 19.1.2025;

- (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.

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 29.2.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Landscape 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-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**