

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

APPLICATION NO. A/YL-TYST/1261

<u>Applicant</u>	:	Mr. CHEUNG Si Yuen represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	:	Lots 989 (Part) and 990 (Part) in D.D. 119, Yuen Long, New Territories
<u>Site Area</u>	:	1,467.3 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Undetermined” (“U”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Warehouse for Storage of Machinery, Spare Parts and Construction Material 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, spare parts and construction material for a period of three years at the application site (the Site) (**Plan A-1**). 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 occupied by the applied use with valid planning permission under application No. A/YL-TYST/1088 until 4.5.2024 (**Plans A-1 to A-4b**).
- 1.2 The Site is accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of machinery, spare parts (including motors and steps for escalators) and construction material (including tiles). No cleansing, repairing, dismantling, spraying or other 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 vehicular access leading to the Site, site layout, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site is involved in five previous applications for various temporary warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2010 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1088), 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 1,467.3 m ²
Total Floor Area (Non-domestic)	About 684.8 m ²
No. and Height of Structures	4 • for warehouses, guardroom, site office and storeroom (2.5 – 6.2m, 1 – 2 storey(s))
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for light goods vehicle) (7m x 3.5m)
Operation Hours	8:00 a.m. to 10:00 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 1.3.2024 (Appendix I)
 - (b) Further Information (FI) received on 12.3.2024* (Appendix Ia)
 - (c) FI received on 11.4.2024* (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 attachments to the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the Site is the subject of five previous planning permissions for warehouse uses. The applied use can serve the continuing demand for storage use in the area;
- (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). Approval of the application on a temporary basis would not hinder the long-term development of the area; and
- (c) all existing trees at the Site will be properly maintained and no adverse visual, landscape, drainage and traffic impacts arising from the application are expected.

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. 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

The Site is involved in five previous applications (No. A/YL-TYST/485, 642, 812, 891 and 1088) for various temporary warehouse uses covering the same site as the current application. All five applications were approved with conditions for a period of three years by the Committee between 2010 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 of A/YL-TYST/812 was subsequently revoked due to non-compliance with approval conditions. As for the last application (No. A/YL-TYST/1088), all the time-limited approval conditions have been complied with and the planning permission is valid until 4.5.2024. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

7. Similar Applications

- 7.1 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-1**.
- 7.2 Out of the 77 similar applications, 75 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 6 above. However, the planning permissions for 25 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 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.

- 7.4 For Members' information, application No. A/YL-TYST/1260 for temporary warehouse for storage of construction materials for a period of three years within the subject "U" zone will also be considered at this meeting (**Plan A-1**).

8. Planning Intention

- 8.1 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.
- 8.2 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.

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

- 9.1 The Site is:

- (a) accessible from Kung Um Road to its east via a local track (**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/1088 (**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 (mostly temporary in nature), car service/vehicle repair workshops, 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 east; and
- (c) except for two warehouses with valid planning permissions (No. A/YL-TYST/1108 and 1185) as well as five warehouses to the northwest of the Site, the remaining warehouses, open storage/storage yards and car service/vehicle repairing workshops 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 8.3.2024, 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, spare parts and construction material 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 Development, the Site falls mainly within an area zoned “District Open Space” with a minor portion zoned “Green Belt (1)” under Stage 3 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.
- 12.2 The surrounding area comprises predominantly warehouses and open storage/storage yards with two of them covered by valid planning permissions (**Plan A-2**). While there are scattered residential structures (mostly temporary in nature) 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/1088; 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 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. 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 five previous approvals for various warehouse uses have been granted to the Site from 2010 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.

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, spare parts and construction material 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 5.5.2024 to 4.5.2027. 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 5.8.2024;
- (c) the existing fire service installations implemented on the site shall be maintained in efficient working order at all times during the planning approval period;
- (d) if any of the above planning condition (a) or (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
- (e) if the above planning condition (b) 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), (b) and (c) are the same as that under the permission for application No. A/YL-TYST/1088; 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 There is no strong reason to recommend rejection of the application.

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 1.3.2024
Appendix Ia	FI received on 12.3.2024
Appendix Ib	FI received on 11.4.2024
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	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2024**