

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1263

- Applicant** : Sciotech Company Limited
- Site** : Lot 774 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 925 m² (about) (including GL of about 62 m² (about 6.7%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse for Storage of Paper with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of paper with ancillary workshop 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 a warehouse for storage of paper without valid planning permission (**Plans A-2 to A-4**).
- 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 paper with ancillary workshop (including shredding and baling of paper). Plans showing the vehicular access leading to the Site, proposed layout plans with fire service installations (FSIs) and drainage proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.
- 1.3 The Site is involved in six previous applications for various temporary warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2021 (details at paragraph 5 below). Compared with the last application (No. A/YL-TYST/1097), the current application is submitted by a different applicant for similar warehouse use at a smaller site with

different layout and development parameters. A comparison of the major development parameters of the current application and the last previously approved application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1097 (a)	Current Application No. A/YL-TYST/1263 (b)	Difference (b)-(a)
Applied Use(s)	Temporary Warehouse for Storage of Electronic Parts, Construction Materials and Vehicle Parts for a Period of 3 Years	Temporary Warehouse for Paper with Ancillary Workshop for a Period of 3 Years	Change in the stored items and addition of ancillary workshop
Site Area	About 4,820 m ²	About 925 m ²	-3,895 m ² (-80.8%)
Total Floor Area (Non-domestic)	About 2,362 m ²	About 480 m ²	-1,882 m ² (-79.7%)
No. and Height of Structures	19 • for warehouses, electricity meter rooms, toilets and site offices (3 - 8.5m, 1 storey)	3 • for warehouses, workshop and toilet (3 - 8.5m, 1 storey)	-16
No. of Parking Space(s)	Nil	1 (for light goods vehicle) (7m x 3.5m) 1 (for medium goods vehicle) (11m x 3.5m)	+2
No. of Loading/ Unloading Space(s)	2 (for light goods vehicles) (7m x 3.5m each)	Nil	-2
Operation Hours	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays	9:00 a.m. to 6:00 p.m., with no operation on Sundays and Public Holidays	Longer operation hours

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 18.3.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 29.4.2024* (**Appendix Ia**)
 - (c) FI received on 6.5.2024* (**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 Application Form (**Appendix I**). They can be summarised as follows:

The applied use is mainly for storage of office paper, which will be shredded due to security concerns. The shredded paper will be baled to reduce storage space. The shredder and baler are light-weighted and could be operated by one person.

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 Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in 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 six previous applications (No. A/YL-TYST/715, 722, 909, 910, 1060 and 1097) for various temporary warehouse uses covering different extents of the Site. All six 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. However, the above planning permissions were revoked between 2016 and 2023 due to non-compliance with time-limited approval conditions¹. 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 78 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 78 similar applications, 76 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 5 above. However, the planning permissions for 23 of them were subsequently revoked due to non-compliance with approval conditions.

¹ The planning permission for last previous application (No. A/YL-TYST/1097) was revoked on 25.11.2023 due to non-compliance with approval conditions regarding the implementation of drainage and FSIs proposals.

- 6.3 The remaining two applications for temporary warehouse uses 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/1264 for temporary warehouse for storage of electronic goods and construction materials 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-4)

- 8.1 The Site is:
- (a) accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**);
 - (b) paved, fenced off and occupied by a warehouse for storage of paper 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 yards with scattered residential structures, a vehicle repair workshop, graves, agricultural land, unused land and vacant land/structures;
 - (b) there are residential structures in the vicinity of the Site with the nearest temporary residential structure located to its immediate northeast; and
 - (c) except for three warehouses with valid planning permissions (No. A/YL-TYST/1183, 1191 and 1240), the remaining warehouses, open storage yards, and vehicle repair workshop 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 provided in **Appendices III** and **IV** respectively.

9.2 The following government department does not support the application:

Environment

9.2.1 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 northeast) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) no environmental complaint concerning the Site was 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 22.3.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns that the Site was the subject of previous revocation due to non-compliance with approval conditions and such consideration should be taken into account by the Board (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of paper with ancillary workshop 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. 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, 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.

11.2 The surrounding area comprises predominantly warehouses and open 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 C for T, 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 to its immediate northeast) (**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 The Site is involved in a previous application No. A/YL-TYST/1097 covering a much larger site for similar temporary warehouse use which was approved by the Committee on 25.6.2021. However, the planning permission was subsequently revoked in 2023 due to non-compliance with time-limited approval conditions on implementation of drainage and fire service installations proposals. Nevertheless, the current application is submitted by a different applicant with different stored items with ancillary workshop, layout and development parameters compared with the last application. The applicant has also submitted drainage and FSIs proposals for the current application and CE/MN, DSD and D of FS have no objection to the application. As such, the current application could be considered afresh and sympathetic consideration may be given to the current application.
- 11.5 Given that six previous approvals for various temporary warehouse uses have been granted to the Site from 2015 to 2021 and 76 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. While there were two similar applications in the subject “U” zone rejected on the grounds that approval of the applications with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, such consideration is not applicable to the current application as it is submitted by a different applicant when compared with the last application.
- 11.6 There is one public comment raising concerns on the application received during the statutory public inspection period as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.5 above are 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 paper with ancillary workshop 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 10.5.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 6:00 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) 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 10.11.2024;
- (d) in relation to (c) 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 10.2.2025;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 10.11.2024;
- (g) in relation to (f) 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 10.2.2025;
- (h) if any of the above planning condition (a), (b) 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
- (i) if any of the above planning condition (c), (d), (f) or (g) 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 reason for rejection are suggested for Members' reference:

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 18.3.2024
Appendix Ia	FI received on 29.4.2024
Appendix Ib	FI received on 6.5.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawings A-2 to A-4	Proposed Layout Plans with FSIs
Drawing A-5	Drainage 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2024**