

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1264**

- Applicant** : Ms. YEUNG Panya represented by Metro Planning & Development Company Limited
- Site** : Lots 1118 S.A (Part), 1118 S.B (Part) and 1118 S.C in D.D. 119, Yuen Long, New Territories
- Site Area** : 1,615m<sup>2</sup> (about)
- 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 Electronic Goods and Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of electronic goods 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, 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 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 electronic goods (including mobile phones and tablets) and construction materials (including pipes, metal and sanitary ware, etc.). 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 vehicular access leading to the Site, proposed layout plan and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in a previous application (No. A/YL-TYST/1141) for the same use approved by the Rural and New Town Planning Committee (the Committee) of

the Board on 18.2.2022 (details at paragraph 5 below). Compared with the last application, the current application is submitted by the same applicant for the same use at a slightly smaller site with changes in 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 :

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/1141 (a)</b>	<b>Current Application No. A/YL-TYST/1264 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Electronic Goods and Construction Materials for a Period of 3 Years		---
Site Area	About 1,740 m <sup>2</sup>	About 1,615 m <sup>2</sup>	-125 m <sup>2</sup> (-7.2%)
Total Floor Area (Non-domestic)	Not more than 980 m <sup>2</sup>	Not more than 855 m <sup>2</sup>	-125 m <sup>2</sup> (-12.8%)
No. and Height of Structures	6 • for warehouses, site office and toilet (3 – 11m, 1-2 storey(s))	6 • for warehouses and site offices (3 – 11m, 1 storey)	Removal of toilet and reduction of 1 storey
No. of Parking Space(s)	2 (for private cars) (5m x 2.5m each)	Nil	-2
No. of Loading/ Unloading Space(s)	2 (for light goods vehicles) (7 m x 3.5 m each)	1 (for light goods vehicle) (7 m x 3.5 m)	-1
Operation Hours	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays		---

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 25.4.2024 (**Appendix Ia**)  
*[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 previous planning permission No. A/YL-TYST/1141 for the same use. A fresh planning application is submitted due to change in site boundary;
- (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. 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

- (d) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied use. All the stored items will be housed within an enclosed structure.

### **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. Background**

The Site is currently not subject to planning enforcement action.

### **5. Previous Application**

The Site is involved in a previous application No. A/YL-TYST/1141 for the same warehouse use covering a slightly larger site. The application was approved with conditions for a period of three years by the Committee on 18.2.2022 mainly on the considerations that the proposal was not incompatible with the surrounding areas; approval of the application 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 permission was subsequently revoked in 2023 due to non-compliance with time-limited approval condition regarding the implementation of the revised drainage proposal. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

### **6. Similar Applications**

- 6.1 A total of 79 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**.
- 6.2 Out of the 79 similar applications, 77 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 5 above. However, the planning permissions for 24 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/1263 for temporary warehouse for storage of paper with ancillary workshop for a period of three years within the subject "U" zone will also be considered at this meeting (**Plan A-1**).

## **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-1 to A-4b)**

- 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 the applied use 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/storage yards with scattered residential structures, workshops, a garage, temple, graves, burial urns, ponds, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southeast; and
- (c) except for two warehouses with valid planning permissions (No. A/YL-TYST/1137 and 1190), the remaining warehouses, open storage/storage yards, workshops and garage 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 26.3.2024, the application was published for public inspection. During the statutory  
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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 condition 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 electronic goods and 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 Development, the Site falls within an area zoned “Other Specified Uses (Hillside River Corridor with Scenic Cycle Track)” 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.
- 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 The Site is involved in a previous application No. A/YL-TYST/1141 covering a slightly larger site for the same applied use which was approved by the Committee on 18.2.2022. However, the planning permission was subsequently revoked in 2023 due to non-compliance with time-limited approval condition on implementation of drainage proposal. The current application is submitted by the same applicant with changes in layout and development parameters compared with the last application. The applicant has submitted a drainage proposal for the current application and CE/MN, DSD has no objection to the current application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should she fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Given that a previous approval for the same applied use have been granted to the Site in 2022 and 77 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 ground that approval of the applications with repeated non-compliances would set an undesirable precedent, sympathetic consideration may be given to the current application for the reasons stated in paragraph 11.4 above.

- 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 proposed temporary warehouse for storage of electronic goods and 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 10.5.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a revised 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;
- (b) in relation to (a) above, the implementation of the revised 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;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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;
- (e) in relation to (d) 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;
- (f) 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

- (g) if any of the above planning condition (a), (b), (d) or (e) 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**

<b>Appendix I</b>	Application Form with attachments received on 18.3.2024
<b>Appendix Ia</b>	FI received on 25.4.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
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