

RNTPC Paper No. A/YL-TYST/1275
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024

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

APPLICATION NO. A/YL-TYST/1275

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|---------------------------|---|---|
| <u>Applicant</u> | : | Ms. TANG Yuet Hing represented by Top Bright Consultants Limited |
| <u>Site</u> | : | Lots 1040 (Part) and 1042 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long |
| <u>Site Area</u> | : | 1,124 m ² (about) (including GL of about 159 m ² (about 14.1%)) |
| <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 Event Supplies and Equipment with Ancillary Site Office for a Period of 3 Years |

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary warehouse for storage of event supplies and equipment with ancillary site office for a period of three years at the application site (the Site) zoned “U” on the OZP (**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 with valid planning permission under application No. A/YL-TYST/1106 until 21.9.2024 (**Plans A-1b to A-4**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Kung Um Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there are a total of three structures within the Site, including a single-storey structure (not exceeding 5m in height) with a total floor area of 705m² for temporary warehouse for storage of event supplies and equipment, and two single-storey structures (not exceeding 3.6m in height) with a floor area of 34.5m² for fire service water tank and pump room uses. No open storage and workshop activities will be carried out at the Site and only light goods vehicle (LGV) not exceeding 5.5 tonnes will be used to deliver the goods. Plans showing the vehicular access leading

to the Site, layout plan, landscape and tree preservation 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 six previous applications including five applications for various temporary warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2007 and 2021 (details at paragraph 6 below). Compared with the last application (No. A/YL-TYST/1106), 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:

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| Site Area | About 1,125 m ² |
| Total Floor Area (Non-domestic) | About 739.5 m ² |
| No. and Height of Structures | 3 • for warehouse, fire service water tank and pump room (2.6 – 5m, 1 storey) |
| No. of Parking Space | Nil |
| No. of Loading/ Unloading Space | 1 (for LGV) (7m x 3.5m) |
| Operation Hours | 9:00 a.m. to 6:00 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 received on 12.7.2024 (Appendix I)
 - (b) Supplementary Planning Statement (Appendix Ia)
 - (c) Supplementary Information (SI) received on 18.7.2024 (Appendix Ib)

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

- (a) the applied use is in line with the planning intention of the “U” zone;
- (b) approval of the application on a temporary basis would not jeopardise the long-term development of the area;
- (c) a number of similar applications for warehouse uses have been approved in the subject “U” zone. The development is compatible with the surrounding environment;
- (d) all the approval conditions imposed on the last planning application No. A/YL-TYST/1106 have been complied with and favourable consideration may be given by the Board to the current application; and

- (e) there will be no adverse environmental, visual, drainage and traffic impacts arising from the applied use. The Site is hard paved and fenced. Existing drainage facilities and FSI's serving the Site have been provided and will be properly maintained by the applicant.

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

The applicant is one of the “current land owners” 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. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

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

- 6.1 The Site is involved in six previous applications, including five approved applications (No. A/YL-TYST/369, 498, 671, 917 and 1106) for various temporary warehouse uses covering different extents of the Site. The remaining application (No. A/YL-TYST/204) is for temporary organic waste recycle research facility, and its considerations are not relevant to the current application which involves a different use. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/369, 498, 671, 917 and 1106 were approved with conditions each for a period of three years by the Committee between 2007 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 the departmental concerns could be addressed by imposing approval conditions. However, the planning permission of A/YL-TYST/369 was subsequently revoked due to non-compliance with time-limited approval conditions. As for the last application (No. A/YL-TYST/1106), all the approval conditions have been complied with and the planning permission is valid until 21.9.2024.

7. Similar Applications

- 7.1 A total of 82 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 III** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of them, 80 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those mentioned in paragraph 6.2 above. However, the planning permissions for 26 of them were subsequently revoked due to non-compliance with time-limited 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 with approval conditions 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/1279 for temporary warehouse for storage of electronic parts, construction materials and vehicle parts for a period of three years within the subject “U” zone will also be considered at this meeting (**Plan A-1a**).

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

- 8.1 The Site is:
 - (a) accessible from Kung Um Road 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/1106 (**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, open storage/storage yards and vehicle repair workshops with scattered residential structures, a car park, elderly home, unused land and vacant land/structures;
 - (b) there are residential structures in the vicinity of the Site with the nearest one located to the immediate west of the Site; and
 - (c) some warehouses are covered with valid planning permissions while some of the other uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

- 9.1 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.

- 9.2 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.

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 are provided in **Appendices IV** and **V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 19.7.2024, 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 event supplies and equipment with ancillary site office 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 partly within an area zoned “Green Belt (1)” and “Other Specified Uses (Hillside River Corridor with Scenic Cycle Track)” under the Third Phase of YLS 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 for a period of three years would not jeopardise the long-term development of the area.
- 12.2 The surrounding areas comprise predominantly warehouses, open storage/storage yards and vehicle repair workshops with scattered residential structures, a car park, elderly home, unused land and vacant land/structures (**Plans A-2** and **A-3**). While there are scattered residential structures in the vicinity, the applied use is generally not incompatible with the surrounding land 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/1106; all the approval conditions under the previous approval have 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 aspects respectively. 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 2007 to 2021 and 80 similar applications within/straddling the subject “U” zone have been approved in the past five years, approval of the current application is in line with the previous decisions of the Committee.

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 event supplies and equipment with ancillary site office 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 22.9.2024 to 21.9.2027. 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; and
- (b) 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.

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

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| Appendix I | Application Form received on 12.7.2024 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix Ib | SI received on 18.7.2024 |
| 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 | Landscape and Tree Preservation Proposal |
| Drawing A-4 | FSIs 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
SEPTEMBER 2024**