

RNTPC Paper No. A/YL-TYST/1276
For Consideration by
the Rural and New Town
Planning Committee
on 6.9.2024

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1276

- Applicant** : Mr. CHEUNG Fook Wo represented by Metro Planning & Development Company Limited
- Site** : Lot 1291 in D.D. 119, Yuen Long
- Site Area** : 2,580 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Residential (Group C)” (“R(C)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]
- Application** : Proposed 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 proposed 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**) zoned “R(C)” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently vacant and partly covered with vegetation (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the western part is accessible from Kung Um Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, five single-storey structures (not exceeding 8.5m in height) with a total floor area of 1,150m² will be used for temporary storage of electronic goods (including mobile phones and tablets) and construction materials (including pipes, metal and sanitary ware). Three single-storey structures with a total floor area of 50m² will also be provided for site office, guard room and toilet uses. Two loading/unloading spaces for light goods vehicle will be provided. No medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, 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 major development parameters of the application are summarised as follows :

Site Area	About 2,580 m ²
Total Floor Area (Non-domestic)	Not more than 1,200 m ²
No. and Height of Structures	8 • for warehouses, toilet, site office and guard room (3 – 8.5m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading Spaces	2 (for light goods vehicles) (7m x 3.5m each)
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 an Application Form with attachments received on 16.7.2024 (**Appendix I**).

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in **Appendix I**. They can be summarised as follows:

- (a) the proposed use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13G);
- (b) the temporary use would not jeopardise the long-term planning intention;
- (c) 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 those of the Site. The proposed use is compatible with the surrounding environment;
- (d) there is a shortage of land for port back-up use in the area; and
- (e) there will be minimal traffic, environmental, noise and drainage impacts arising from the proposed use. All the stored items will be housed within an enclosed structure and no operation will be held during sensitive hours.

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 notice to the Ping Shan 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

There is no previous planning application concerning the Site.

6. Similar Applications

Five similar planning applications (No. A/YL-TYST/1232, 1233, 1235, 1236 and 1259) for various temporary warehouse with/without open storage use within/straddling the subject “R(C)” zone were approved with conditions each for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board in the past five years mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term development of the area; the proposal was not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
- (b) fenced off, currently vacant and partly covered with vegetation (**Plans A-2 to A-4**).

7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly warehouses and open storage/storage yards, vehicle repair workshops, agricultural land and vacant land/structures with scattered residential structures; and
- (b) some warehouses are covered with valid planning permissions while some of the other uses in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. 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 III** and **IV** respectively.

10. Public Comment Received During the Statutory Publication Period

On 23.7.2024, 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 proposed temporary warehouse for storage of electronic goods and construction materials for a period of three years at the Site zoned “R(C)” on the OZP. The Site falls within the possible expansion of the Yuen Long South (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. District Lands Officer/Yuen Long, Lands Department also advises that there is no known development proposal involving the Site. As such, despite the proposed use is not in line with the planning intention of “R(C)” zone, approval of the application on a temporary basis for a period 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, vehicle repair workshops, agricultural land and vacant land/structures with scattered residential structures (**Plans A-2** and **A-3**). The proposed use is considered not incompatible with the surrounding land uses.
- 11.3 Concerned government departments, including the Commissioner for Transport, 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 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 Five similar applications for temporary warehouse uses within/straddling the subject “R(C)” zone have been approved in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 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 6.9.2027. 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 6.3.2025;
- (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 6.6.2025;
- (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 6.3.2025;
- (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 6.6.2025;
- (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 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "R(C)" zone which is primarily for low-rise and low-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 16.7.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2024**