

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1280

- Applicant** : Mr. Tsui Yat Wah represented by Ever United Planning and Development Limited
- Site** : Various Lots in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 9,110m² (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 for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of electronic goods 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 without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the western part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of electronic goods. Nine single-storey structures (not exceeding 2.5m to 12m in height) with a total floor area of 5,413m² will be provided for warehouse, site offices, fire service pump room, fire service water tank and toilets. Two loading/unloading (L/UL) spaces for medium/heavy goods vehicle will be provided. No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity will be carried out at the Site. Plans showing the site layout, landscape and tree preservation proposal, 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 was involved in 11 previous applications including one application (No. A/YL-TYST/1125) for temporary warehouse use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-TYST/1125), the current application is submitted by the same applicant for the same use at the same site with similar layout and development parameters. A comparison of the major development parameters of the current application and the last approved application are summarised as follows :

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1125 (a)	Current Application No. A/YL-TYST/1280 (b)	Difference (b)-(a)
Site Area	About 9,110 m ²		---
Total Floor Area (Non-domestic)	Not more than 5,409 m ²	Not more than 5,413 m ²	+4 m ² (+0.07%)
No. and Height of Structures	8 • for warehouse, site office, toilet, fire service water tank and pump room (2.5m – 12m, 1 storey)	9 • for warehouse, site office, toilet, fire service water tank and pump room (2.5m – 12m, 1 storey)	+1 Additional structure for site office
No. of Parking Space(s)	Nil		---
No. of Loading/ Unloading Space(s)	2 (for medium/heavy goods vehicles) (11 m x 3.5 m)		---
Operation Hours	7:00 a.m. to 7:00 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 7.8.2024 (**Appendix I**)
 - (b) Further Information (FI) received on 11.9.2024* (**Appendix Ia**)
 - (b) FI received on 25.9.2024* (**Appendix Ib**)
- *accepted and exempted from publication and recounting 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 proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses”;
- (b) the proposal is in line with the planning intention of the “U” zone. The temporary warehouse use would not frustrate the future development of the area. A number of warehouses and open storage yards have been approved by the Board in the vicinity and their planning circumstances are similar to those of the Site. The applied use is compatible with the surrounding environment;

- (c) the Site has been the subject of previous planning permissions for open storage use since 1998. Besides, there is a shortage of land for storage and logistic uses in the area;
- (d) the proposal will comply with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” and various mitigation measures are proposed to minimise the environmental impact to the surrounding area. The existing periphery fencing and dense peripheral planting along the site boundary is for screening purpose; and
- (e) there will be minimal environmental, visual, drainage or traffic impacts arising from the applied use.

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 notices and published notices in local newspaper. 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 Applications

- 5.1 The Site was, in whole or in part, involved in 11 previous applications. Except one application (No. A/YL-TYST/1125) for temporary warehouse use, all applications (No. A/YL-TYST/27, 141, 153, 265, 355, 370, 519, 665, 827 and 1003) were for open storage uses and their considerations are not relevant to the current application which involves a different use. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Application No. A/YL-TYST/1125 was approved with conditions for a period of three years by the Committee in 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 was subsequently revoked due to non-compliance with time-limited approval condition on the implementation of FSIs proposal.

6. Similar Applications

- 6.1 A total of 83 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 them, 81 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those mentioned in paragraph 5.2 above. The remaining two applications 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.
- 6.3 For Members' information, application No. A/YL-TYST/1282 for temporary storage of advertisement material with ancillary workshop for a period of three years within the subject "U" zone will also be considered at this meeting (**Plan A-1a**).

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

7.1 The Site is:

- (a) accessible from Kung Um Road 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-4b**).

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

- (a) comprise predominantly warehouses, open storage/storage yards, parking of vehicles and vehicle repair workshops with scattered residential structures and unused land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to the south of the Site; and
- (c) some warehouses or open storage/storage yards are covered with valid planning permissions while some other uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

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. 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 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 north) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) no environmental complaint concerning the Site 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 Comments Received During the Statutory Publication Period

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the chairman of Yuen Long Town Centre & Rural East Area Committee who does not express any comment, and 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 (**Appendices V-1** and **V-2**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of electronic goods 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 “Residential – Zone 2 (with Commercial)”, partly within an area zoned “Other Specified Uses (Mixed Uses)” and partly within an area shown as ‘Road’ under the Third Phase 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 of three years would not jeopardise the long-term development of the area.

11.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards, parking of vehicles and vehicle repair workshops with

scattered residential structures and unused land (**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 Other relevant government departments consulted, including the Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application from fire safety and drainage perspectives 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 located to its immediate north) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, thus environmental nuisance is expected. Nonetheless, no environmental complaint concerning the Site has been received by DEP in the past three years. Should the planning application be approved, the applicant will 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. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments.
- 11.4 The Site was involved a previous application (No. A/YL-TYST/1125) for temporary warehouse use submitted by the same applicant with similar layout and development parameters as the current application which was approved for a period of three years by the Committee in 2021. However, the planning permission was revoked due to non-compliance with approval condition on implementation of the FSIs proposal. In this regard, the applicant has submitted a FSIs proposal to support the application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would unlikely be given to any further applications.
- 11.5 Given that a previous approval for the same use has been granted to the Site in 2021 and 81 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 Regarding the public comments 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 comments mentioned in paragraph 10 above, the Planning Department considers that the proposed use 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

4.10.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a condition record of the existing drainage facilities within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 4.1.2025;
- (b) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the submission of the revised 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 4.4.2025;
- (d) 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 4.7.2025;
- (e) if the above planning condition (b) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 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 7.8.2024
Appendix Ia	FI received on 11.9.2024
Appendix Ib	FI received on 25.9.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Proposed Layout Plan
Drawing A-2	As-planted Landscape & Tree Preservation Plan
Drawing A-3	As-built Drainage Proposal
Drawing A-4	Proposed Fire Service Installations 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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**