

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

APPLICATION NO. A/YL-TYST/1282

<u>Applicant</u>	:	Ms. TAM Fung Lam represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	:	Lots 1198 S.E (Part) and 1224 RP (Part) in D.D. 119 and Adjoining Government Land (GL), Kung Um Road, Yuen Long
<u>Site Area</u>	:	432 m ² (about) (including GL of about 23 m ² (about 5.3%))
<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 Storage of Advertisement Material with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary storage of advertisement material with ancillary workshop 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 mainly occupied by a vacant warehouse structure, and is covered by a valid planning permission for the applied use under application No. A/YL-TYST/1112 until 9.10.2024 (**Plans A-1b to A-4**).
- 1.2 The Site with the ingress/egress at the southeastern part is accessible from Kung Um Road (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there are a total of three structures within the Site, including two single-storey structures (about 2.6m – 4.8m in height) with a total floor area of 220m² for open shed for storage and storeroom uses, and one single-storey structure (about 2.3m in height) with a floor area of 2.31m² for toilet use. No open storage activities will be carried out at the Site and the ancillary workshop activities for cutting of glass will be carried out only if necessary. Transportation of goods will mainly be made via light

goods vehicles, while medium and heavy goods vehicles will occasionally be used. Plans showing the vehicular access leading to the Site, layout plan, landscape proposal, drainage proposal, fire service installations (FSIs) proposal and swept path analysis submitted by the applicant are at **Drawings A-1 to A-6** respectively.

- 1.3 The Site was involved in seven previous applications including five applications for the same temporary storage use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2009 and 2021 (details at paragraph 6 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1112), the current application is submitted by the same applicant for the same use at a slightly smaller site with the same layout and development parameters. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1112 (a)	Current Application No. A/YL-TYST/1282 (b)	Difference (b)-(a)
Applied Use	Temporary Storage of Advertisement Material with Ancillary Workshop for a Period of 3 Years		---
Site Area	About 453 m ²	About 432 m ²	-21 m ² (-4.6%)
Total Floor Area (Non-domestic)	About 222.31 m ²		---
No. and Height of Structures	3 • for open shed, storeroom and toilet (2.3 – 4.8m, 1 storey)		---
No. of Parking Spaces	1 (for private car) (5m x 2.5m) 1 (for heavy goods vehicle) (11m x 3.5m)		---
No. of Loading/Unloading Space	Nil		---
Operation Hours	8:00 a.m. to 7:00 p.m., with no operation on Sundays and Public Holidays		---

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

- (a) Application Form with attachments received on 8.8.2024 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 13.8.2024 **(Appendix Ia)**
 - (c) Further Information (FI) received on 17.9.2024* **(Appendix Ib)**
 - (d) FI received on 26.9.2024* **(Appendix Ic)**
- * *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 attachments to the Application Form, SI and FI (**Appendices I to Ic**). They can be summarised as follows:

- (a) the Site is the subject of previous applications for the same use. All approval conditions imposed under the last planning application No. A/YL-TYST/1112 have been complied with and the layout of the current application remains unchanged;
- (b) the Site is currently vacant due to the moving out of the last tenant in August 2024. The applied use will continue upon completion of a new tenancy agreement;
- (c) 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) and “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34D); and
- (d) all existing trees at the Site will be properly maintained. Existing drainage facilities and FSIs serving the Site have been provided and will also be properly maintained by the applicant. No adverse landscape, environmental, noise, traffic and drainage impacts arising from the application are expected.

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. 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 was involved in seven previous applications, including five applications (No. A/YL-TYST/460, 609, 754, 916 and 1112) for temporary storage uses

covering different extents of the Site. The remaining applications (No. A/YL-TYST/139 and 398) are for temporary open storage of construction materials and temporary vehicle repair workshop respectively, and their 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/460, 609, 754, 916 and 1112 for the same temporary storage use as the current application were approved with conditions each for a period of three years by the Committee between 2009 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. As for the last application (No. A/YL-TYST/1112), all the approval conditions have been complied with and the planning permission is valid until 9.10.2024.

7. Similar Applications

- 7.1 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 III** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of them, 81 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/1280 for temporary warehouse for storage of electronic goods 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 (**Plans A-2 and A-3**);
 - (b) paved, fenced off and currently mainly occupied by a vacant warehouse structure; and
 - (c) covered by a valid planning permission for the applied use under application No. A/YL-TYST/1112 (**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, vehicle repairing workshops and logistic centres with scattered residential structures, a refuse collection point, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 50m to its southwest; and
- (c) some warehouses and storage yards 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

10.1 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 IV and V** respectively.

10.2 The following government department does not support the application:

Environment

10.2.1 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 about 50m to its southwest) (**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 V**.

11. Public Comment Received During the Statutory Publication Period

On 16.8.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Chairman of the Yuen Long Town Centre & Rural East Area Committee who did not express any comment on the application (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary storage of advertisement material 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. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls partly within an area zoned “Local Open Space” under the Third Phase of YLS Development and partly within an area shown as ‘Road’ under the Second 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. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects.
- 12.2 The surrounding areas comprise predominantly warehouses, open storage/storage yards, vehicle repairing workshops and logistic centres with scattered residential structures, a refuse collection point, 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/1112; all the time-limited 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 Fire Services and Chief Engineer/Mainland North, Drainage Services Department have no objection to or no adverse comment on the application from 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 located about 50m to its southwest) (**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 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. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of other concerned government departments.

- 12.5 Given that five previous approvals for the same temporary storage use have been granted to the Site from 2009 to 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 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 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the temporary storage of advertisement material with ancillary workshop 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 10.10.2024 to 9.10.2027. 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;
- (b) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.1.2025;
- (c) 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; and
- (d) if the above planning condition (b) 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 V**.

- 13.3 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.

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

Appendix I	Application Form with attachments received on 8.8.2024
Appendix Ia	SI received on 13.8.2024
Appendix Ib	FI received on 17.9.2024
Appendix Ic	FI received on 26.9.2024
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
Appendix VI	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Landscape Proposal
Drawing A-4	Drainage Proposal
Drawing A-5	FSIs Proposal
Drawing A-6	Swept Path Analysis
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
OCTOBER 2024**