

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1288

- Applicant** : Wing Won Investment Limited represented by Metro Planning and Development Company Limited
- Site** : Lot 2712 S.B (Part) in D.D. 120 and Various Lots in D.D. 121 and Adjoining Government Land (GL), Shan Ha Tsuen, Yuen Long
- Site Area** : 8,900 m² (about) (including GL of about 278 m² (3.1%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group A) 3” (“R(A)3”) (about 80%);
[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]
“Open Space” (“O”) (about 13%); and
Area shown as ‘Road’ (about 7%)
- Application** : Temporary Warehouse and Open Storage of Construction Materials, Vehicle Parts, Mobile Toilets and Construction Machinery for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse and open storage of construction materials, vehicle parts, mobile toilets and construction machinery for a period of three years at the application site (the Site) mainly zoned “R(A)3”, partly zoned “O” with a minor portion within an area shown as ‘Road’ on the OZP (**Plan A-1a**). 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 covering Notes of the OZP also states that all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently occupied by the applied uses without valid planning permission (**Plans A-2 to A-4b**).

- 1.2 The Site with the ingress/egress at the southern part¹ is accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied uses are for storage of construction machinery and materials (including concrete pipes, bricks, barricades, miniature excavators and electric generators), vehicle parts (including engine and body parts) and mobile toilets. The area used for open storage is about 4,730 m² (53% of the Site). The Site would be sub-divided into four units and 12 one to two storey(s) structures (not exceeding 3m to 8m in height) with a total floor area of 1,498m² are provided for site office, changing room, warehouse, open shed for storage, electricity meter room and toilet uses. Two parking spaces for private cars and two loading/unloading (L/UL) spaces for medium goods vehicles are provided. No workshop activity will be carried out at the Site and no heavy goods vehicles, including container tractors/trailers, will be allowed to access the Site. Plans showing the vehicular access leading to the Site, site layout, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4**.
- 1.3 The Site was involved in eight previous applications including seven applications for various temporary open storage and/or warehouse uses with/without ancillary workshop approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2006 and 2023 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-TYST/1203), the current application is submitted by a different applicant for the same use at the same site with same 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	Last Approved Application No. A/YL-TYST/1203 (a)	Current Application No. A/YL-TYST/1288 (b)	Difference (b)-(a)
Site Area	About 8,900 m ²		---
Total Floor Area (Non-domestic)	Not more than 1,498 m ²		---
No. and Height of Structures	12 for site office, changing room, warehouse, open shed for storage, electricity meter room and toilet (3m – 8m, 1-2 storey(s))		---
No. of Parking Space(s)	2 (for private cars) (5 m x 2.5 m)		---
No. of Loading/ Unloading Space(s)	2 (for medium goods vehicles) (11 m x 3.5 m)		---
Operation Hours	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays		---

¹ There are also three ingresses/egresses to the adjoining land at the eastern and western parts.

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

- (a) Application Form with attachments received on 21.10.2024 (Appendix I)
- (b) Further Information (FI) received on 13.11.2024* (Appendix Ia)
- (c) FI received on 12.12.2024* (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 and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) the applied uses are in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No.13G);
- (b) 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 applied uses are compatible with the surrounding environment. Besides, there is a shortage of land for open storage use in TYST area; and
- (c) there will be minimal environmental, drainage or traffic impacts arising from the applied uses.

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 sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

TPB PG-No. 13G is relevant to the application. The Site falls within Yuen Long South (YLS) Development Area under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is attached at **Appendix II**.

5. **Background**

The Site is currently not subject to planning enforcement action.

6. **Previous Applications**

- 6.1 The Site was, in part or in whole, involved in eight previous applications (No. A/YL-TYST/146, 282, 416, 588, 731, 897, 1093 and 1203) for various temporary open storage and/or warehouse uses with/without ancillary workshop². Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application

- 6.2 Application No. A/YL-TYST/146 for temporary storage of building materials for a period of three years was rejected by the Committee in 2001 mainly on the grounds that there were potential adverse environmental and drainage impacts; and the vehicular access arrangement was unclear.

Approved Applications

- 6.3 The remaining seven applications (No. A/YL-TYST/282, 416, 588, 731, 897, 1093 and 1203) for temporary open storage and/or warehouse uses with/without ancillary workshop were all approved with conditions each for a period of three years by the Committee between 2006 and 2023 mainly on the considerations that the proposals were not incompatible with the surrounding uses; the proposals would not jeopardise the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions for applications No. A/YL-TYST/1093 and 1203 were subsequently revoked in 2022 and 2024 due to non-compliance with the approval condition³.

7. **Similar Applications**

- 7.1 A total of 22 similar planning applications for various temporary open storage and/or warehouse uses within/straddling the subject “R(A)3” and “O” zones 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 the 22 similar applications, 21 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 6.3 above.

² All the application sites (except application No. A/YL-TYST/1093 and 1203) were zoned “Undetermined” on previous versions of OZP at the time of consideration by the Committee.

³ The planning permissions for applications No. A/YL-TYST/1093 and 1203 were revoked on 9.8.2022 and 17.9.2024 due to non-compliance with approval conditions regarding prohibiting workshop activities at the Site and submission/implementation of FSIs proposal respectively.

However, the planning permissions for three of them were subsequently revoked due to non-compliance with approval conditions.

- 7.3 The remaining application (No. A/YL-TYST/1058) was rejected by the Committee in 2020 mainly on the grounds that there were substantiated environmental complaints concerning the site related to recycling workshop use but the applicant had not provided any information to demonstrate that the continued operation of the development would not generate adverse environmental impacts on the surrounding areas, which was not in line with the then TPB PG-No. 13F; and the applied use was not in line with the planning intention of the “R(A)3” zone.
- 7.4 For Members’ information, application No. A/YL-TYST/1291 for renewal of planning approval for temporary open storage of construction machinery and construction materials with ancillary workshop and office for a period of three years within the subject “R(A)3” zone will also be considered at this meeting (**Plan A-1a**).

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

8.1 The Site is:

- (a) accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**);
- (b) paved, fenced off and occupied by the applied uses without valid planning permission (**Plans A-2 to A-4b**).

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

- (a) comprise predominantly open storage/storage yards, parking of vehicles and car service workshop with scattered residential structures and unused/vacant land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 20m to the southwest of the Site; and
- (c) some open storage/storage yards are covered with valid planning permissions while some other uses in the vicinity are suspected unauthorized developments (UD) subject to planning enforcement action.

9. Planning Intentions

- 9.1 The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 9.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

- 9.3 The concerned area shown as ‘Road’ is intended for new/improved access roads to serve the YLS Development.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 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

- 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 about 20m to its southwest) (**Plan A-2**) and the applied uses will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) there were three substantiated environmental complaints concerning the Site received in 2022 which were related to dust, odour, and noise nuisances generated by waste metal recycling activities. 14 inspections were conducted by his department and two prosecution cases were completed with the defendant pleaded guilty and being convicted. The operation has been ceased based on a site visit in April 2023; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

11. Public Comments Received During the Statutory Publication Period

On 29.10.2024, 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 conditions. (**Appendices VI-1** and **VI-2**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary warehouse and open storage of construction materials, vehicle parts, mobile toilets and construction machinery for a period of three years at the Site mainly zoned “R(A)3” (about 80%) and partly zoned “O” (about 13%) with a minor portion within an area shown as ‘Road’ (about 7%) on the OZP. The planning intentions of the “R(A)” and “O” zones are primarily for high-density residential developments and provision of outdoor open air public

space respectively. Under the Revised Recommended Outline Development Plan of Yuen Long South (YLS) Development, the Site falls mainly within an area zoned “Special Residential – Zone 1 – Public Rental Housing (with Commercial)”, partly with an area zoned “Local Open Space” and partly within an area shown as ‘Road’. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department, Project Manager (West) of Civil Engineering and Development Department and Director of Leisure and Cultural Services 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 (**Appendix V**).

- 12.2 The surrounding area comprises predominantly open storage/storage yards, parking of vehicles and car service workshop (**Plan A-2**). While there are residential structures in the vicinity, the applied uses are generally not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 13G in that the Site falls within the YLS Development Area and previous planning approvals for similar open storage uses have been granted; relevant proposals have been submitted to demonstrate that the applied uses would not generate adverse impacts on the surrounding areas; and the technical concerns of relevant departments could be addressed through the imposition of approval conditions. As such, sympathetic consideration may be given to the application.
- 12.4 Concerned government departments consulted including the Commissioner for Transport (C for T), Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) 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 20m to its southwest) (**Plan A-2**) and the applied uses will cause traffic of heavy vehicles, thus environmental nuisance is expected. While there were some substantiated environmental complaints concerning the Site received by DEP in the past three years, they were related to the previous metal recycling activities at the Site which have already ceased operation. The current application was submitted by a different applicant and no workshop activity is proposed in the current application. 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 and to keep the Site clean and tidy at all times. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of other concerned government departments.
- 12.5 The Site was involved in seven approved applications for temporary open storage and/or warehouse uses which were all approved by the Committee between 2006 and 2023. However, the planning permissions for application No. A/YL-TYST/1093 and 1203 were subsequently revoked in 2022 and 2024 due to non-compliance with approval conditions on prohibiting workshop activities at the Site

and submission/implementation of FSIs proposal respectively. Nevertheless, the current application is submitted by a different applicant with different stored items compared with the previous applications and no workshop activity is proposed at the Site. The applicant has also submitted FSIs proposals for the current application and D of FS has no objection to the application. As such, the current application could be considered afresh and sympathetic consideration may be given to the current application.

- 12.6 There was one previous application rejected by the Committee in 2001 mainly on the grounds that the vehicular access arrangement was unclear and there were potential adverse environmental and drainage impacts. Such considerations are not applicable to the current application as CE/MN of DSD and C for T have no objection to/no adverse comment on the application as stated in paragraph 12.4 above. Given that seven previous approvals for various temporary open storage and/or warehouse uses have been granted to the Site from 2006 to 2023 and 21 similar applications within/straddling the subject “R(A)3” and “O” zones have been approved in the past five years, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the applied uses could be tolerated for a 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 until 20.12.2027. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the 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 20.9.2025;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 31.1.2025;
- (d) 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 20.6.2025;

- (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 20.9.2025;
- (f) 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
- (g) if any of the above planning condition (a), (c), (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 V**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied uses are not in line with the planning intentions of the "R(A)" and "O" zones which are primarily for high-density residential developments and provision of outdoor open-air public space respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied uses 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 21.10.2024
Appendix Ia	FI received on 13.11.2024
Appendix Ib	FI received on 12.12.2024
Appendix II	Relevant Extracts of TPB PG-No.13G

Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VI-1 and VI-2	Public Comments
Appendix VII	Good Practice Guidelines for Open Storage
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Proposal
Drawing A-4	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
DECEMBER 2024**