

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1290

- Applicant** : Mr. Cheung Fook Wo represented by Metro Planning and Development Company Limited
- Site** : Lots 751 and 752 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
- Site Area** : 1,250 m² (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 Exhibition Materials, Clothes and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of exhibition materials, clothes and construction materials for a period of three years at the application site (the Site) zoned “U” on the OZP (**Plan A-1**). 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 eastern 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 exhibition materials, clothes and construction materials (including booths, desks, chairs, tiles and marble, etc.). Three single-storey structures (not exceeding 8m in height) with a total floor area of 680m² will be provided for warehouse and toilet uses. One loading/unloading space for light goods vehicle will be provided. No repairing, dismantling, cleaning or other workshop activities will be carried out at the Site. No medium or 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, site layout with fire service installations (FSIs) and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in a previous application (No. A/YL-TYST/1177) for similar temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 23.9.2022 (details at paragraph 5 below). Compared with the last approved application, the current application is submitted by the same applicant 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 is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1177 (a)	Current Application No. A/YL-TYST/1290 (b)	Difference (b)-(a)
Applied Use	Proposed Temporary Warehouse for Storage of Exhibition Materials and Construction Materials for a Period of 3 Years	Temporary Warehouse for Storage of Exhibition Materials, Clothes and Construction Materials for a Period of 3 Years	Change in stored items
Site Area	About 1,250 m ²		---
Total Floor Area (Non-domestic)	Not more than 720 m ²	Not more than 680 m ²	-40 m ² (-5.6%)
No. and Height of Structures	5 • for warehouses , toilet and site office (3 – 8m, 1 – 2 storey(s))	3 • for warehouses and toilet (8m, 1 storey)	-2
No. of Parking Space	Nil		---
No. of Loading/ Unloading Space	1 (for light goods vehicle) (7m x 3.5m)		---
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 the following documents:

- (a) Application Form with attachments received on 24.10.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 29.10.2024 (**Appendix Ia**)

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and SI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the time-limited approval conditions under the last planning application No. A/YL-TYST/1177 were not complied with because the applicant failed to reach a contractual agreement with the land owner. For the current application, the land owner has increased the rent of the Site and extended the tenancy to the applicant for a period of five years. The applicant pledges to invest on the drainage and FSIs facilities at the Site;
- (b) the applied use is 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);

- (c) the temporary use would not jeopardise the long-term planning intention of the Site;
- (d) a number of open storage and warehouse 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 use is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up use in TYST area; and
- (e) there will be minimal traffic, environmental, noise and drainage 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 sending the 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

The Site was involved in a previous application (No. A/YL-TYST/1177) for similar temporary warehouse use. The application was approved with conditions for a period of three years by the Committee on 23.9.2022 mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application 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 conditions on the submission and implementation of drainage and FSIs proposals. Details of the application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. Similar Applications

- 6.1 A total of 85 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-1**.
- 6.2 Out of the 85 similar applications, 83 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those mentioned in paragraph 5 above. However, the planning permissions for 25 of them were subsequently revoked due to non-compliance with approval conditions.

- 6.3 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.
- 6.4 For Members' information, applications No. A/YL-TYST/1270 (for temporary warehouse for storage of construction materials, food provisions, vehicles, vehicle parts and electronic products for a period of three years), A/YL-TYST/1279 (for temporary warehouse for storage of electronic parts, construction materials and vehicle parts for a period of three years) and A/YL-TYST/1293 (for proposed temporary warehouse for storage of general goods for a period of three years) within the subject "U" zone will also be considered at this meeting (**Plan A-1**).

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**); and
- (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 with scattered residential structures, a vehicle repair workshop, graves, agricultural land, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 5m to its northeast; and
- (c) some warehouses 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

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 1.11.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns that the Site was the subject of previous revocation due to non-compliance with approval conditions and the applied use will generate adverse environmental and fire safety impacts on the surrounding area (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of exhibition materials, clothes and construction materials 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 partly zoned “Residential – Zone 3” and “Government” under the Third Phase of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department and Project Manager (West) of 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.

11.2 The surrounding areas comprise predominantly warehouses with scattered residential structures, a vehicle repair workshop, graves, agricultural land, unused land and vacant land/structures (**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 Concerned government departments consulted, including the C for T, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. 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 The Site was involved in a previous application (No. A/YL-TYST/1177) covering the same site for similar temporary warehouse use which was approved with conditions for a period of three years by the Committee on 23.9.2022. However, the planning permission was subsequently revoked in 2024 due to non-compliance

with time-limited approval conditions on the submission and implementation of drainage and FSIs proposals. The current application is submitted by the same applicant with similar layout and development parameters compared with the last application. Nevertheless, the applicant has provided justifications for non-compliance with the approval conditions of the last application and the applicant has also submitted drainage and FSIs proposals for the current application (**Drawings A-2 and A-3**). The FSIs proposal was considered acceptable by the D of FS and the CE/MN, DSD has no objection to the current 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 may not be given to any further applications.

- 11.5 Given that a previous approval for similar temporary warehouse use has been granted to the Site in 2022 and 83 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 There is one public comment raising concerns on the application 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 comment mentioned in paragraph 10 above, the Planning Department considers that the applied 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 20.12.2027. 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 20.6.2025;
- (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 20.9.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (d) the implementation of the accepted 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;
- (e) 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
- (f) if any of the above planning condition (a), (b) 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 There is no strong reason to recommend rejection of the application.

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 24.10.2024
Appendix Ia	SI received on 29.10.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicle Access Plan
Drawing A-2	Proposed Layout Plan with FSIs
Drawing A-3	Proposed Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**