

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

APPLICATION NO. A/YL-TYST/1291

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning & Development Company Limited
- Site** : Lots 2428 RP (Part), 2429 S.D (Part), 2704 S.A & S.B (Part), 2705 (Part), 2712 S.A (Part), 2712 S.B (Part), 2713 (Part), 2714 (Part), 2716 RP (Part), 2717 RP (Part) and 2718 RP (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
- Site Area** : 4,008 m² (about) (including GL of about 88 m² or 2.2%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Residential (Group A) 3” (“R(A)3”) (about 87%); and
[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]

Area shown as ‘Road’ (about 13%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Workshop and Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks 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 at the application site (the Site) mainly zoned “R(A)3” and partly 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 Site is currently paved, fenced-off and occupied by the applied use with valid planning permission under application No. A/YL-TYST/1126 until 18.1.2025 (**Plans A-1b to A-4**).

- 1.2 The Site with the ingresses/egresses at the northwestern/northern part were accessible from Shan Ha Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the applied use is for open storage of construction machinery and materials. The area used for open storage use is about 2,300 m² (i.e. about 57% of the site area). There are also five single-storey structures (about 3.5m to 6.5m in height) with a total floor area of 614m² for storage, offices, ancillary workshop and guard house uses. Ancillary workshop activities will only be carried out in Structure 1 at the Site (**Drawing A-2**). Four parking spaces for private car/light goods vehicle (LGV) and a loading/unloading (L/UL) space for medium goods vehicle (MGV) are provided. No heavy goods vehicles exceeding 24 tonnes, including container trailers and tractors, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, site layout, 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 (No. A/YL-TYST/110, 458, 516, 564, 626, 768, 838, 935, 1014, 1126 and 1245) including 10 applications for various temporary open storage with/without ancillary workshop and/or site office uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2023 (details at paragraph 6 below). Compared with the relevant last approved application (No. A/YL-TYST/1126), the current application is submitted by a different applicant for the same use at the same site with same layout and development parameters. The major development parameters of the current application are summarised as follows :

Site Area	About 4,008 m ²
Total Floor Area (Non-domestic)	About 614 m ²
No. and Height of Structures	5 • for storage, ancillary offices, workshop and guard house (3.5 – 6.5m, 1 storey)
No. of Parking Space	4 (for private car and LGV) (5 m x 2.5 m)
No. of L/UL Space	1 (for MGV) (11 m x 3.5 m)
Operation Hours	9:00 a.m. to 11:00 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) Further Information (FI) received on 7.11.2024* (**Appendix Ia**)
 - (c) FI received on 10.12.2024* (**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 attachments to the Application Form and FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site has been the subject of previous applications since 2000. The applied use of the current application is as same as the last approved application. All approval conditions imposed under the last planning application No. A/YL-TYST/1126 have been complied with;
- (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. 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 use is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in TYST area; and
- (d) there will be minimal environmental, noise, 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 notice 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 GL, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

- 4.1 TPB PG-No. 13G are 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**.
- 4.2 Town Planning Board Guidelines for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” (TPB PG-No. 34D) are also relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in 11 previous applications (No. A/YL-TYST/110, 458, 516, 564, 626, 768, 838, 935, 1014, 1126 and 1245) for various temporary open storage with/without ancillary workshop and/or site office uses covering different extents of the Site¹. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Application

- 6.2 Application No. A/YL-TYST/564 for temporary open storage of construction machinery, construction materials and recycled materials (including metal and plastic) with ancillary workshop for a period of three years was rejected by the Board on review in 2012 mainly on the considerations that there were potential adverse environmental, drainage and fire safety impacts on the surrounding area; the application did not comply with the then TPB PG-No.13E as the applied use was incompatible with the surrounding residential use; and approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system.

Approved Applications

- 6.3 The remaining ten applications (No. A/YL-TYST/110, 458, 516, 626, 768, 838, 935, 1014, 1126 and 1245) for various temporary open storage with/without ancillary workshop and/or site office uses were all approved with conditions by the Committee between 2000 and 2023 each for a period of one to three years, mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13E (or its later version); approval of the application on a temporary basis would not frustrate the long-term development of the area; the proposals were not incompatible with the surrounding uses; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning permissions under applications No. A/YL-TYST/110, 458 and 516 were revoked between 2001 and 2011 respectively due to non-compliance with time limited approval conditions. As for the last approved application (No. A/YL-TYST/1126), all the approval conditions have been complied with and the planning permission is valid until 18.1.2025.

7. Similar Applications

- 7.1 A total of seven similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject “R(A)3” zone have been considered by the Committee in the past five years. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the seven similar applications, six were approved by the Committee between 2020 and 2024 mainly on similar considerations as those mentioned in paragraph 6.3 above.

¹ All the application sites (except applications No. A/YL-TYST/1126 and 1245) were zoned “Undetermined” on previous versions of OZP at the time of consideration by the Committee.

- 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/1288 for temporary warehouse and open storage of construction materials, vehicle parts, mobile toilets and construction machinery 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-1a to A-4)

8.1 The Site is:

- (a) accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1126 (**Plans A-2 to A-4**).

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

- (a) comprise predominantly open storage/storage yards, warehouses, a logistic centre, a car service workshop and parking of vehicles;
- (b) there are residential structures to the northwest of the Site in an area zoned “Village Type Development” (“V”) on the OZP; and
- (c) some open storage yards are covered with valid planning permission while some of the 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 concerned area shown as ‘Road’ is intended for new/improved access roads to serve the Yuen Long South 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 V** and **VI** 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 (**Plan A-2**) and the applied use will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) there were no substantiated environmental complaints 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 VI**.

11. Public Comments Received During the Statutory Publication Period

On 1.11.2024, 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 and a village representative who do not express any comment.

12. Planning Considerations and Assessments

12.1 The application is 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 at the Site mainly zoned “R(A)3” (about 87%) and partly within an area shown as ‘Road’ (about 13%) on the OZP. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls partly within an area zoned “Residential – Zone 1 (Subsidised Sale Flats with Commercial)”, partly zoned “Special Residential – Zone 1 – Public Rental Housing (with Commercial)” 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 (**Appendix VI**).

12.2 The surrounding areas comprise predominantly open storage/storage yards, warehouses, a logistic centre, a car service workshop and parking of vehicles (**Plans A-2** and **A-3**). While there are residential structures to the northwest of the Site, the applied use is 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; all the approval conditions of the last application have been complied with; relevant proposals have been submitted to demonstrate that the applied use would not generate adverse impacts on the surrounding areas; and the technical concerns of relevant departments could be addressed through the implementation of approval conditions. As such, sympathetic consideration may be given to the application.
- 12.4 The application is also 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/1126; all the 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.
- 12.5 Concerned government departments, including the Commissioner for Transport, 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 (**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 potential 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.
- 12.6 Given that ten previous approvals for various open storage uses involving the Site have been granted from 2000 to 2023 and six similar applications within/straddling the subject “R(A)3” 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 comments mentioned in paragraph 11 above, the Planning Department considers that the temporary open storage of construction machinery and construction materials with ancillary workshop and office 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 19.1.2025 to 18.1.2028. 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 19.4.2025;
- (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 VI**.

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

the applied use is not in line with the planning intention of the "R(A)" zone which is primarily for high-density residential developments. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and

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 24.10.2024
Appendix Ia	FI received on 7.11.2024
Appendix Ib	FI received on 10.12.2024
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Relevant Extracts of TPB PG-No. 34D

Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendices VII-1 and VII-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2024**