

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

**APPLICATION NO. A/YL-TYST/1292**

|                           |   |  |
|---------------------------|---|--|
| <b><u>Applicant</u></b>   | : | 梁榮海 represented by Sun Cheong Management Consultant Limited  |
| <b><u>Site</u></b>        | : | Lot 1195 in D.D. 119, Pak Sha Tsuen, Yuen Long   |
| <b><u>Site Area</u></b>   | : | 1,860 m <sup>2</sup> (about)   |
| <b><u>Lease</u></b>       | : | Block Government Lease (demised for agricultural use)  |
| <b><u>Plan</u></b>        | : | Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14   |
| <b><u>Zoning</u></b>      | : | “Undetermined” (“U”)   |
| <b><u>Application</u></b> | : | Renewal of Planning Approval for Temporary Open Storage of Construction Material with Ancillary 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 material with ancillary office 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 with valid planning permission under application No. A/YL-TYST/1133 until 18.1.2025 (**Plans A-1 to A-4**).
- 1.2 The Site with the ingress/egress at the southern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, there are three structures with a total floor area of 70m<sup>2</sup> within the Site, including two single-storey structures (about 2.6m in height) for toilet and meter/storage room uses and one two-storey structure (about 5.2m in height) for ancillary office use. The remaining area will be used for open storage of construction material (including metal scaffolding), vehicular access and loading/unloading space. Plans showing the site layout, fire service installations (FSIs) proposal and proposed drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in three previous applications for the same temporary open storage with ancillary office use which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2017 and 2022 (details at paragraph 6 below). Compared with the last application (No. A/YL-TYST/1133), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

|                                     |   |
|-------------------------------------|---|
| Site Area                           | About 1,860 m <sup>2</sup>  |
| Total Floor Area<br>(Non-domestic)  | About 70 m <sup>2</sup>   |
| No. and Height of<br>Structures     | 3<br>• for toilet, meter/storage room and ancillary office<br>(2.6 – 5.2m, 1 – 2 storey(s)) |
| No. of Parking Space                | Nil   |
| No. of Loading/<br>Unloading Spaces | 2<br>(for heavy goods vehicles) (10m x 3m each)   |
| Operation Hours                     | 10:00 a.m. to 4:00 p.m., with no operation on Sundays<br>and Public Holidays                |

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 5.11.2024 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 7.11.2024 (**Appendix Ia**)
  - (c) Further Information (FI) received on 26.11.2024\* (**Appendix Ib**)
  - (d) FI received on 11.12.2024\* (**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 FIs (**Appendices I to Ic**). They can be summarised as follows:

- (a) all the approval conditions under the last application (No. A/YL-TYST/1133) have been complied with and the development parameters and layout of the current application remain unchanged;
- (b) the temporary use would not jeopardise the long-term planning intention of the area;
- (c) the applied use is compatible with the surrounding environment; and
- (d) there will be no adverse drainage, traffic, environmental and visual 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 Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

- 4.1 The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13G) are relevant to the application. The Site falls within Category 1 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 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 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**

The Site was involved in three previous applications (No. A/YL-TYST/825, 898 and 1133) for the same temporary open storage with ancillary office use. All three applications were approved with conditions each for a period of three years by the Committee between 2017 and 2022 mainly on the considerations that the applied uses were generally in line with the then TPB PG-No. 13E (or its later versions); being 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 (No. A/YL-TYST/825) was subsequently revoked in 2017 due to non-compliance with time-limited approval conditions. As for the last application (No. A/YL-TYST/1133), all the approval conditions have been complied with and the planning permission is valid until 18.1.2025. Details of the applications are summarised in **Appendix IV** and the boundaries of the sites are shown on **Plan A-1**.

### **7. Similar Applications**

A total of 27 similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject “U” zone have been considered by the Committee in the past five years. All 27 applications were approved by the Committee mainly on similar considerations as those in paragraph 6 above. Details of

the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1**.

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

8.1 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 currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/1133 (**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 and open storage/storage yards with scattered residential structures, vehicle repair workshops, and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 15m to its southeast; and
- (c) some warehouses and open 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 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 (with the nearest one located about 15m to its southeast) (**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 VI**.

## **11. Public Comment Received During the Statutory Publication Period**

On 12.11.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning approval for temporary open storage of construction material with ancillary office 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 “Residential – Zone 2 (with Commercial)”, “Other Specified Uses (Mixed Use)” and “Local Open Space” and partly within an area shown as ‘Road’ under the Third 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.
- 12.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, 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. 13G in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; and local concerns and technical requirements of relevant government departments could be addressed through the implementation of approval conditions.
- 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/1133; 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.

- 12.5 Concerned government departments consulted, 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 15m to its southeast) (**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 three previous approvals for various open storage uses have been granted to the Site from 2017 to 2022 and 27 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, the Planning Department considers that the applied use 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 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**

|                     |   |
|---------------------|---|
| <b>Appendix I</b>   | Application Form with attachments received on 5.11.2024 |
| <b>Appendix Ia</b>  | SI received on 7.11.2024                                |
| <b>Appendix Ib</b>  | FI received on 26.11.2024                               |
| <b>Appendix Ic</b>  | FI received on 11.12.2024                               |
| <b>Appendix II</b>  | Relevant Extracts of TPB PG-No. 13G                     |
| <b>Appendix III</b> | Relevant Extracts of TPB PG-No. 34D                     |
| <b>Appendix IV</b>  | Previous and Similar Applications                       |
| <b>Appendix V</b>   | Government Departments' General Comments                |
| <b>Appendix VI</b>  | Recommended Advisory Clauses                            |
| <b>Drawing A-1</b>  | Site Layout Plan  |
| <b>Drawing A-2</b>  | FSIs Proposal   |
| <b>Drawing A-3</b>  | Proposed Drainage Plan                                  |
| <b>Plan A-1</b>     | Location Plan   |
| <b>Plan A-2</b>     | Site Plan   |
| <b>Plan A-3</b>     | Aerial Photo  |
| <b>Plan A-4</b>     | Site Photos   |

**PLANNING DEPARTMENT  
DECEMBER 2024**