

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

APPLICATION NO. A/YL-TYST/1054

- Applicant** : Yat Cheong (China) Development Limited represented by Top Bright Consultants Limited
- Site** : Lots 1544 (Part) and 1545 (Part) in D.D.119, Pak Sha Tsuen, Yuen Long, New Territories
- Site Area** : 1,691 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zoning** : “Undetermined” (“U”)
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Documents and Office Supplies for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary warehouse for storage of documents and office supplies for a period of 3 years at the application site (the Site) (**Plan A-1a**). According to the covering Notes of the OZP for “U” zone, all uses or development except those specified in the Notes require permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/861 until 24.11.2020 (**Plans A-2 and A-4**).
- 1.2 The Site involves 5 previous applications for temporary open storage/warehouse uses (**Plan A-1b**). The last application (No. A/YL-TYST/861) for the same use as the current application was approved with conditions for a period of 3 years by the Rural and New Town Planning Committee (the Committee) of the Board on 24.11.2017. All the time-limited approval conditions under the last application have been complied with and the planning permission is valid until 24.11.2020. Compared with the last application, the current application was submitted by the same applicant for the same use on the same site with similar site layout and development parameters.

- 1.3 According to the applicant, the Site will only be used for storage purpose and no workshop activities will be carried out on the Site. Only light goods vehicle (LGV) (not exceeding 5.5 tonnes) will be used for delivery of storage materials, generating about 2 to 4 trips per day. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the previously approved application and the current application are summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/861 (a)	Current Application No. A/YL-TYST/1054 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Documents and Office Supplies for a Period of 3 Years		---
Site Area	About 1,691m ²		---
Total Floor Area (Non-domestic)	About 807 m ²	About 799 m ²	-8 m ² (-1%)
No. and Height of Structures	5 <ul style="list-style-type: none"> one for warehouse for storage of documents and office supplies (6.8m, 1 storey) one for site office (3m, 1 storey) three for rain shelter (4m, 1 storey) 	6 <ul style="list-style-type: none"> one for warehouse for storage of documents and office supplies (6.8m, 1 storey) one for site office (3m, 1 storey) four for rain shelter (4m, 1 storey) 	+1 (+20%)
No. of Parking Space	1 (for LGV)		---
Operation Hours	9:00 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 received on 25.9.2020 **(Appendix I)**
 - (b) Supplementary Planning Statement **(Appendix Ia)**
 - (c) Supplementary Information received on 29.9.2020 clarifying the total floor area of the rain shelters **(Appendix Ib)**
 - (d) Further Information received on 3.11.2020 providing a FSIs proposal with fire certificate **(Appendix Ic)**
[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 Supplementary Planning Statement at **Appendix Ia**. They can be summarised as follows:

- (a) The application is in line with the planning intention of the “U” zone for storage use which cannot be accommodated in conventional godown premises. Under the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the YLS Study), the Site falls within the remaining stages of the YLS development. Temporary use of the Site would not frustrate the long-term development in the area.
- (b) The proposed development is compatible with the surrounding environment, which are mixed with open storage yards, warehouses and workshops. The occupier of the domestic structure located to the southwest of the Site has no complaint to this application.
- (c) All approval conditions of the previous applications (A/YL-TYST/355, 487, 739 and 861) had been complied with. As a renewal application, there is no change in the use of the Site and the applicant commits to comply with the approval conditions should the application be approved. Also, a number of similar applications in the vicinity for warehouse use had been approved by the Board.
- (d) The proposed use would not generate adverse noise, air pollution or visual intrusion. No medium or heavy good vehicles will be allowed to access the Site. Noise impact will be negligible as no workshop activities will be carried out on the premises. Screen planting along the site boundary would improve the local environment. No complaints have been received in the last three years.
- (e) Adverse drainage impact and additional traffic generation are not anticipated. Only one LGV will be allowed to access the site at any one time and the frequency of vehicular trips will be minimal. The landscaping, FSIs and drainage facilities have been implemented under Application No. A/YL-TYST/861 and the applicant will maintain these facilities.

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. 31A) by posting site notice and sending 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

The 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. 34C) are relevant to the application. The relevant assessment criteria are attached at **Appendix II**.

5. **Background**

The Site is currently not subject to planning enforcement action.

6. **Previous Applications**

- 6.1 The Site involves 5 approved previous applications (No. A/YL-TYST/355, 487, 677, 739 and 861) covering different extents of the Site, of which 4 of them were for open storage and/or storage of used private vehicles and one of them was for the same use as the current application. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Application No. A/YL-TYST/355, 487, 677 and 739 for temporary open storage and/or storage of used private vehicles were all approved with conditions by the Committee between 2007 and 2015 each for a period of 3 years. The applications were approved mainly on the considerations that the proposals were not in conflict with the planning intention of the “U” zone; generally in line with the then TPB PG-No. 13 (or its later version); not incompatible with the surrounding uses; approval of the application on a temporary basis would not frustrate the long-term development of the area; and the concerns of relevant government departments could be addressed by imposing approval conditions. However, the planning approval for planning application No. A/YL-TYST/677 was subsequently revoked in 2014 due to non-compliance with approval conditions.
- 6.3 The last application (No. A/YL-TYST/861) for the same use as the current application was approved with conditions by the Committee for a period of 3 years on 24.11.2017 mainly on the considerations that the proposal was generally not incompatible with the surrounding areas; the proposal was not in conflict with the planning intention of the “U” zone; approval of the application on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. All the time-limited approval conditions under the last application have been complied with and the planning permission is valid until 24.11.2020.
- 6.4 Compared with the last application, the current application was submitted by the same applicant for the same use on the same site with similar site layout and development parameters.

7. **Similar Applications**

- 7.1 A total of 77 similar applications for various temporary warehouse with or without open storage and/or ancillary uses within/straddling the “U” zone had been considered by the Committee since 2015. 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 77 similar applications, 74 were approved mainly on similar considerations that the developments were not incompatible with the surrounding open storage/warehouse uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, the planning permissions for 22 of them were revoked due to non-compliance with approval conditions.
- 7.3 The remaining three applications (No. A/YL-TYST/922, 926 and 943) were rejected by the Committee between 2018 and 2019, mainly on the grounds, amongst others, that approval of 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.
- 7.4 For Members' information, application No. A/YL-TYST/1000 for temporary warehouse for storage of construction materials and household materials with ancillary office for a period of 3 years, application No. A/YL-TYST/1019 for temporary warehouse for storage of construction materials and exhibition materials, application No. A/YL-TYST/1046 for proposed temporary warehouse for storage of exhibition materials, furniture, construction materials, vehicle parts and electronic parts for a period of 3 years and application No. A/YL-TYST/1053 for temporary warehouse for storage of construction materials, carpets and porcelains with ancillary office for a period of 3 years within the "U" zone on the OZP 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 via a local track leading from Kung Um Road to its east (**Drawing A-1, Plans A-2 and A-3**);
 - (b) paved and largely fenced off; and
 - (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/861 until 24.11.2020.
- 8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
- (a) comprise predominately open storage/storage yards and warehouses intermixed with residential structures, construction sites, workshops, pond, orchard, agricultural land and vacant land/structures;
 - (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southwest;
 - (c) to the south of the Site is an area zoned "Village Type Development" on the OZP; and
 - (d) except for an open storage yard and two warehouses operating with valid planning permissions (No. A/YL-TYST/907, 923 and 1003), the other open storage/storage yards, warehouses and workshops in the vicinity are

suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

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. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic generated from the proposed development.
- 9.2 According to the Explanatory Statement of the OZP, under the YLS Study, 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 The following government departments have been consulted and their views on the application are summarised as follows:

Land Administration

- 10.1.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) The Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government.
 - (b) Lot No. 1544 in D.D. 119 is covered by Short Term Waivers (STWs) No. 4203 and 4562 to permit structures erected thereon for the purposes of ‘Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop Activities’ and ‘Temporary Open Storage and Storage of Used Private Vehicles’ respectively. Lot No. 1545 in D.D. 119 is covered by STW No. 4563 to permit structures erected thereon for the purposes of ‘Temporary Open Storage and Storage of Used Private Vehicles’.
 - (c) Should planning approval be given to the subject planning application, the STW holder(s) will need to apply to her office for modification of the STW conditions where appropriate. Besides, given the proposed use is temporary in nature, only application for regularisation or erection of temporary structure(s) will be considered. Applications for any of the above will be considered by her department acting in the capacity as landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of rent or fee, as may be imposed by her

department.

Traffic

10.1.2 Comments of the Commissioner for Transport (C for T):

- (a) The land status of the access road/path/track leading to the Site from Kung Um Road should be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly.
- (c) The applicant is reminded that sufficient space should be provided within the Site for manoeuvring of vehicles. In addition, no parking, queuing and reverse movement of vehicles on public road are allowed.

10.1.3 Comments of the Chief Highway Engineer/New Territories West, Highways Department (CHE/NTW, HyD):

- (a) Adequate drainage measures should be provided at the site access to prevent surface water flowing from the Site to nearby public roads/drains.
- (b) His department shall not be responsible for the maintenance of any access connecting the Site and Kung Um Road.

Environment

10.1.4 Comments of the Director of Environmental Protection (DEP):

- (a) There was no substantiated environmental complaint concerning the Site received in the past three years.
- (b) Should the planning application be approved, the applicant should be advised to follow the relevant mitigation measures and requirements in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) to minimise any potential environmental nuisances on the surrounding areas.

Drainage

10.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) He has no objection in principle to the development.
- (b) Based on the planning statement enclosed in the application (**Appendix Ia**), apparently the applicant would maintain the same drainage facilities as those implemented under previous

application No. A/YL-TYST/861.

- (c) Should the Board consider that the application is acceptable from the planning point of view, approval conditions requiring the maintenance of the drainage facilities implemented under application No. A/YL-TYST/861 and the submission of records of the existing drainage facilities on site to the satisfaction of the Director of Drainage Services or of the Board should be stipulated.

Fire Safety

10.1.6 Comments of the Director of Fire Services (D of FS):

He has no objection in principle to the renewal application subject to the existing FSIs implemented on the Site being maintained in efficient working order at all times.

Building Matters

10.1.7 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- (a) As there is no record of approval by the Building Authority for the existing structures at the Site, he is not in a position to offer comments on their suitability for the use proposed to the application.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

Long-Term Development

10.1.8 Comments of the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department (CE/CID, PlanD):

- (a) The Civil Engineering and Development Department (CEDD) and PlanD jointly commissioned the YLS Study. According to the Revised Recommended Outline Development Plan (RODP) of YLS promulgated in May 2020, the Site falls partly within an area zoned as “Other Specified Uses” annotated “Mixed Use” (“OU(MU)”), partly within an area zoned as “Residential – Zone 2 (with Commercial)” (“R2c”) and partly within an area shown as ‘Road’.
- (b) The objective of YLS is to transform the degraded rural land predominantly occupied by brownfield operations including open storage yards, warehouses and rural industrial uses into housing and other uses with supporting infrastructure and community facilities, and to improve the existing environment. It is noted that the application is for temporary use for a period of 3 years. In considering the application for temporary uses, due consideration should be given on the possible implication on land

clearance which would affect the future implementation of YLS.

10.1.9 Comments of the Project Manager (West), CEDD (PM(W), CEDD):

- (a) He has no objection to the application.
- (b) However, based on the preliminary project boundary of the proposed YLS Development, the Site falls within the boundary of the proposed YLS Development – Stage 3. The YLS Development would provide land to meet the medium to long term housing needs of Hong Kong and the detailed implementation programme with phasing and packaging of works for YLS Development – Stage 3 is being formulated.

District Officer's Comments

10.1.10 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

Her office has not received any comment from the village representatives in the vicinity regarding the application.

10.2 The following government departments have no comment on the application:

- (a) Director of Electrical and Mechanical Services (DEMS);
- (b) Director of Agriculture, Fisheries and Conservation (DAFC);
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
and
- (d) Commissioner of Police (C of P).

11. Public Comment Received During the Statutory Publication Period

On 6.10.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment (**Appendix V**) was received from an individual suggesting that the proposal may affect the future public housing and supporting facilities in the surrounding area.

12. Planning Considerations and Assessments

12.1 The application is for renewal of planning approval for temporary warehouse for storage of documents and office supplies for a period of 3 years at a site zoned “U” on the OZP. The proposal is not in conflict with the planning intention of the “U” zone which is to cater for the continuing demand for open storage use but is designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, C for T has no adverse comment on the application. Whilst the Site falls partly within areas zoned as “OU(MU)” and “R2c”, and area shown as ‘Road’ on the Revised RODP of YLS, CE/CID, PlanD does not raise objection to the application and PM(W), CEDD has no objection to the proposed temporary

use for 3 years. Approval of the application on a temporary basis of 3 years would not jeopardise the long-term development of the area.

- 12.2 The surrounding areas comprise predominantly open storage/storage yards and warehouses (**Plan A-2**). Although there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses in the subject “U” zone.
- 12.3 The application is generally in line with TPB PG-No. 34C in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/YL-TYST/861; all the time-limited approval conditions under the previous application have been complied with; and the 3-year approval period sought is reasonable and of the same timeframe as the previous approval.
- 12.4 There is no adverse comment on the application from concerned government departments, including C for T, CE/MN, DSD and DEP. Significant adverse traffic, drainage and environmental impacts arising from the proposal are not envisaged. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the local concerns and the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the relevant environmental mitigation measures in the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 12.5 Given that five previous approvals for open storage/storage uses have been granted to the Site and 74 similar applications have been approved in the subject “U” zone since 2015, approval of the application is generally in line with the Committee’s previous decisions. There were three similar applications in the subject “U” zone rejected mainly on the grounds, amongst others, that 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. However, such consideration is not applicable to the current application as all the time-limited approval conditions of the previous planning permission have been complied with.
- 12.6 There is one public comment received on the application during the statutory publication period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, and having taken into account the public comment as mentioned in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of documents and office supplies could be tolerated for a further period of 3 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 3 years and be

renewed from 25.11.2020 to 24.11.2023. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no workshop activities, as proposed by the applicant, is allowed on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (h) 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 25.2.2021;
- (i) the existing fire service installations implemented on the Site should be maintained in efficient working order at all times during the planning approval period;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (i) 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
- (k) if the above planning condition (h) 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.

[Approval conditions (a) to (h) are the same as those under the permission for application No. A/YL-TYST/861, while condition (i) is updated as per current proposal and the reinstatement clause is deleted to accord with the departments' latest requirements.]

Advisory clauses

The recommended advisory clauses are at **Appendix VI**.

13.3 There is no strong reason to recommend rejection of the application.

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 received on 25.9.2020
Appendix Ia	Supplementary Planning Statement
Appendix Ib	Supplementary Information received on 29.9.2020
Appendix Ic	Further Information received on 3.11.2020
Appendix II	Relevant extract of TPB PG-No. 34C
Appendix III	Previous Applications covering the Site
Appendix IV	Similar Applications within the subject "U" zone since 2015
Appendix V	Public Comment received during Statutory Publication Period
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Landscape and Tree Preservation 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
NOVEMBER 2020**