

RNTPC Paper No. A/YL-TYST/1070  
For Consideration by  
the Rural and New Town  
Planning Committee  
on 26.2.2021

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

**APPLICATION NO. A/YL-TYST/1070**

- Applicant** : Mr. TANG Mo Pun represented by Metro Planning and Development Company Limited
- Site** : Lot 1198 S.E (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 606 m<sup>2</sup> (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 Construction Material for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks renewal of planning approval to use the application site (the Site) for temporary warehouse for storage of construction material for a period of 3 years (**Plan A-1a**). According to the covering Notes of the OZP for the “U” zone, all uses or development except those specified in the Notes require planning permission from the Town Planning Board (the Board). The Site is currently occupied by a vacant warehouse structure (**Plans A-2 and A-4**).
- 1.2 The Site involves 6 previous applications for various temporary storage uses. The last application (No. A/YL-TYST/889) 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 20.4.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid up to 20.4.2021. Compared with the last application, the current application is submitted by the same applicant for the same use on the same site with the same site layout and development parameters albeit with shorter operation hours.
- 1.3 According to the applicant, the temporary warehouse is for storage of construction materials (including pvc pipes, sanitary wares and bricks). No workshop activities

will be carried out at the Site. Also, no medium and heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, will access the Site. Plans showing the vehicular access leading to the Site, the site layout, as-built drainage facilities 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 current application are largely the same as the previously approved application No. A/YL-TYST/889, which are summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/889 (a)</b>	<b>Current Application No. A/YL-TYST/1070 (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Temporary Warehouse for Storage of Construction Material for a Period of 3 Years		--
Site Area	About 606 m <sup>2</sup>		--
Total Floor Area (Non-domestic)	About 414 m <sup>2</sup>		--
No. and Height of Structures	3 • two for warehouse (7m, 1 storey) • one for toilet (3m, 1 storey)		--
No. of Parking and Loading/Unloading Spaces	1 (for light goods vehicle) (7m x 3.5m)		--
Operation Hours	7:00 a.m. to 9:00 p.m., with no operation on Sundays and public holidays	9:00 a.m. to 5:00 p.m., with no operation on Sundays and public holidays	Shorter Operation Hours

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

- (a) Application Form with annex and plans received on 29.12.2020 **(Appendix I)**
- (b) Further Information (FI) received on 9.2.2021 providing FSIs proposal **(Appendix Ia)**
- (c) FI received on 18.2.2021 providing fire certificate and clarifying the site layout **(Appendix Ib)**  
*[(b) and (c) 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 FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) The Site has been the subject of planning permissions since 2018. All the approval conditions imposed to the last application (No. A/YL-TYST/889) had been complied with.

- (b) The proposal is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses”.
- (c) The temporary proposal would not jeopardise the long-term planning intention. A number of open storage yards 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 proposal is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in Tong Yan San Tsuen.
- (d) There will be minimal traffic, environmental and drainage impacts arising from the proposal.

### **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 on 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 at **Appendix II**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site involves 6 previous applications for various storage uses covering different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/213, 329, 442, 608, 751 and 889 were all approved with conditions each for a period of 3 years by the Committee between 2003 and 2018, mainly on the considerations that the proposals were not incompatible with the surrounding uses; the proposals 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 permission under application No. A/YL-TYST/329 was revoked in 2008 due to non-compliance with time-limited approval conditions.
- 6.3 Compared with the last application (No. A/YL-TYST/889), the current application

is submitted by the same applicant for the same use on the same site with the same site layout and development parameters albeit with shorter operation hours.

## **7. Similar Applications**

- 7.1 A total of 84 similar applications for various temporary warehouses 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 84 similar applications, 81 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 23 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 on the grounds that approval of applications with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, thus nullifying the statutory planning control system.

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

- 8.1 The Site is:
  - (a) accessible from Kung Um Road to its east via a short local track;
  - (b) paved and fenced off; and
  - (c) currently occupied by a vacant warehouse structure (**Plans A-2 and A-4**).
- 8.2 The surrounding areas have the following characteristics:
  - (a) comprise predominantly open storage/storage yards and warehouses with scattered residential structures, logistics centre and vacant land/structures;
  - (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its southwest;
  - (c) to the east of the Site across a nullah flanked by Kung Um Road and Pak Sha Shan Road is an area zoned “Other Specified Uses” annotated “Rural Use” on the draft Tai Tong OZP No. S/YL-TT/17; and
  - (d) except for six warehouses with/without ancillary uses in the vicinity operating with valid planning permissions (applications No. A/YL-TYST/906, 916, 932, 982, 1038 and 1058), the other open storage/storage yards, warehouses and logistics centre 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 “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation” (the YLS Study), this area of “U” zone 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 and public comment, where relevant, 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 an Old Schedule Agricultural Lot 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) Should the planning application be approved, the lot owner(s) will need to apply to her office to permit the structures to be erected or to regularise any irregularities on site, if any. 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 of the 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 shall be checked with the lands authority.
- (b) The management and maintenance responsibilities of the access road/path/track shall 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 are no substantiated environmental complaints 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 area.

**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 application.
- (b) Based on the drainage proposal enclosed in the application, apparently the applicant would maintain the same drainage facilities as those implemented under the previous planning application No. A/YL-TYST/889.
- (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/889 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.

**Building Matters**

10.1.6 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 in the application.

- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

### **Fire Safety**

#### 10.1.7 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.

### **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 “Other Specified Uses (Mixed Use)” (“OU(MU)”), partly within an area zoned “Local Open Space” (“LO”) 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) Part of the Site near Kung Um Road encroaches on the boundary of YLS Development – Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council’s authorisation on land resumption and Finance Committee’s funding approval of the project. Land clearance operation at the Site is tentatively targeted to commence in 2024. Thus, the applicant shall be advised not to carry out any substantial works in view of the planned YLS Development – Stage 2 Phase 2.

### **District Officer's Comments**

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

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

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

On 5.1.2021, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment from an individual was received objecting to the application on the grounds that the applied use will cause adverse traffic, environmental and fire safety impacts on the surrounding area (**Appendix V**).

### **12. Planning Considerations and Assessment**

12.1 The application is for renewal of planning approval for temporary warehouse for storage of construction material for a period of 3 years at a site zoned "U" on the OZP. The applied use is not in conflict with the planning intention of the "U" zone which is to cater for the continuing demand for open storage 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 within an area zoned "OU(MU)", "LO" and an 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 temporary use for three years. As such, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Nevertheless, should the application be approved, the applicant shall be advised not to carry out any substantial works in view of the planned YLS Development – Stage 2 Phase 2.

12.2 The surrounding areas comprise predominantly open storage/storage yards and warehouses (**Plan A-2**). While there are residential structures in the vicinity, the development is generally not incompatible with the surrounding uses.

12.3 The application is generally in line with TPB PG-No. 34C in that approval of the application would not pre-empt the long-term development of the Site; all the time-limited approval conditions under the previous application No. A/YL-TYST/889 had 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 from concerned government departments, including C for T, DEP and CE/MN, DSD. Furthermore, relevant approval conditions are



recommended in paragraph 13.2 to address the local concern and the technical requirements of 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 be advised to follow the relevant environmental mitigation measures in the latest Code of Practice in order to minimise any potential environmental impact on the surrounding areas.

- 12.5 Given that six previous approvals for various storage uses have been granted to the Site and 81 similar applications within/straddling the subject “U” zone have been approved since 2015, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.6 There is one public comment received on the application during the statutory publication period as summarised in paragraph 11. 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 summarised in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of construction material 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 21.4.2021 to 20.4.2024. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

#### Approval conditions

- (a) no operation between 5:00 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 or 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, are allowed on the Site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are 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 boundary fencing on 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 existing fire service installations implemented on the Site shall be maintained in efficient working order at all times during the planning approval period;
- (i) 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 21.7.2021;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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 (i) 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 (b), (d) and (e) are the same as those under the permission for application No. A/YL-TYST/889, conditions (a), (c), (f), (g), (h) and (i) have been updated as per the current proposal, and the reinstatement clause is deleted to accord with the department's 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 with annex and plans received on 29.12.2020

**Appendix Ia**        FI received on 9.2.2021

<b>Appendix Ib</b>	FI received on 18.2.2021
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 34C
<b>Appendix III</b>	Previous Applications covering the Site
<b>Appendix IV</b>	Similar Applications within/straddling the subject “U” zone on the TYST OZP since 2015
<b>Appendix V</b>	Public Comment received during the Statutory Publication Period
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2021**