

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

**APPLICATION NO. A/YL-TYST/1068**

- Applicant** : Luen Shun Property Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1483 S.A RP and 1483 S.B RP in D.D. 119 and Adjoining Government Land (GL), Kung Um Road, Yuen Long, New Territories
- Site Area** : 1,430 m<sup>2</sup> (about) (including GL of about 75 m<sup>2</sup> (about 5.2%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Draft Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/13
- Zonings** : “Government, Institution or Community (2)” (“G/IC(2)”) (about 42.1%);  
*[Restricted to a maximum building height of 4 storeys]*  
“Open Space” (“O”) (about 34.9%); and  
area shown as ‘Road’ (about 23%)
- Application** : Renewal of Planning Approval for Temporary Warehouse for Storage of Machinery and Spare Parts 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 machinery and spare parts for a period of 3 years (**Plan A-1a**). Although the applied use is neither a Column 1 or 2 use in the “G/IC” and “O” zones, according to the 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) notwithstanding that the use or development is not provided for under the Notes of the OZP, while the covering Notes of the OZP also states that all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently occupied by the applied use with planning permission under application No. A/YL-TYST/884.
- 1.2 The Site involves 4 previous applications for various warehouse or open storage uses. The last application (No. A/YL-TYST/884) 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 6.4.2018. All the time-limited approval conditions under the last application had been complied with and the permission is valid up to 6.4.2021. 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.

- 1.3 According to the applicant, the machinery and spare parts stored at the Site include sewing machines, vehicle spare parts and sewing machine parts. 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 site layout, landscape and tree preservation proposal, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-4** respectively.
- 1.4 The major development parameters of the current application are the same as the previously approved application No. A/YL-TYST/884, which are summarised as follows:

| <b>Major Development Parameters</b>         | <b>Previously Approved Application<br/>No. A/YL-TYST/884<br/>(a)</b>   | <b>Current Application<br/>No. A/YL-TYST/1068<br/>(b)</b> |
|---|--|---|
| Applied Use                                 | Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 Years   |   |
| Site Area                                   | About 1,430 m <sup>2</sup> (including about 75 m <sup>2</sup> of GL)   |   |
| Total Floor Area (Non-domestic)             | About 902 m <sup>2</sup>   |   |
| No. and Height of Structures                | 6<br><ul style="list-style-type: none"> <li>• four for warehouse (7m, 1 storey)</li> <li>• one for toilet (3m, 1 storey)</li> <li>• one for pump room and water tank (3m, 1 storey)</li> </ul> |   |
| No. of Parking and Loading/Unloading Spaces | 1<br>(for light goods vehicle) (7m x 3.5m)   |   |
| 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 with annex and plans received on 22.12.2020 **(Appendix I)**
- (b) Supplementary Information received on 24.12.2020 clarifying the operation **(Appendix Ia)**
- (c) Further Information (FI) received on 27.1.2021 providing FSIs proposal **(Appendix Ib)**  
*[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, Supplementary Information and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) The Site has been the subject of 4 previous planning permissions for various storage uses since 1998. All the approval conditions imposed to the last application (No. A/YL-TYST/884) 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” (TPB PG-No. 13F).
- (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. For GL, the requirements as set out in TPB PG-No. 31A are not applicable.

### **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 4 previous applications for various open storage or warehouse uses covering slightly 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/42, 702, 862 and 884 were all approved with

conditions each for a period of 2 or 3 years by the Committee between 1998 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. Compared with the last application (No. A/YL-TYST/884), 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.

## **7. Similar Applications**

There is no similar application within the subject “G/IC(2)” zone, while 9 similar applications for various temporary warehouse with/without open storage uses within/straddling the same “O” zone<sup>1</sup> have been approved with conditions by the Committee each for a period of 3 years since 2015. The similar applications were approved mainly on similar considerations that the developments were not incompatible with the surrounding uses and the concerns of relevant departments could be addressed by imposing approval conditions. However, two of the planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix IV** and the locations of the sites are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) abutting Kung Um Road to its east;
- (b) paved and fenced off; and
- (c) currently occupied by the applied use with valid planning permission under application No. A/YL-TYST/884 (**Plans A-2, A-4a and A-4b**).

8.2 The surrounding areas have the following characteristics:

- (a) comprise predominantly open storage/storage yards and warehouses, intermixed with a chicken shed, construction site, vehicle repair workshops and car parks with scattered residential structures, shrubland and vacant land/structures;
- (b) to the north is another area zoned “O” on the OZP, while to the further north is an area zoned “Village Type Development” (“V”) consisting mainly of village houses;
- (c) there are residential structures in the vicinity of the Site with the nearest one located to its immediate south;
- (d) to its east across a nullah flanked by Kung Um Road and Kiu Hing Road is an area zoned “V” on the draft Tai Tong OZP No. S/YL-TT/17; and

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<sup>1</sup> 8 of the 9 similar applications were approved prior to the rezoning of the sites to “O” on the subject OZP.

- (e) except for three warehouses and an open storage yard with vehicle repair workshop in the vicinity operating with valid planning permissions (applications No. A/YL-TYST/986, 988, 1008 and 1037), the other open storage/storage yards, warehouses, chicken shed, vehicle repair workshops and car parks in the vicinity are suspected unauthorised developments (UD) subject to enforcement action taken by the Planning Authority.

## **9. Planning Intentions**

- 9.1 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 9.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.

## **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 GL and 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 Nos. 1483 S.A RP and 1483 S.B RP in D.D. 119 are covered by Short Term Waiver (STW) No. 4567 to permit structures erected thereon for the purpose of “Temporary Warehouse for Storage of Machinery and Spare Parts”.
  - (c) The GL within the Site is covered by Short Term Tenancy (STT) No. 3001 for the purpose of “Temporary Warehouse for Storage of Machinery and Spare Parts”.
  - (d) Should the planning application be approved, the STW/STT holder(s) will need to apply to her office for modification of the STW/STT 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 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 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 planning statement 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/884.

- (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/884 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):

- (a) The submitted FSIs proposal (**Drawing A-4**) is considered acceptable to his department.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

### **Open Space**

10.1.8 Comments of the Director of Leisure and Cultural Services (DLCS):

- (a) He has no objection in principle to the application for 3 years.
- (b) The portion of the Site zoned “O” is not on the priority list for development agreed by the Yuen Long District Council. His department has no plan to develop the site into public open space at present.

### **Long-Term Development**

10.1.9 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 “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”. According to the Revised Recommended Outline Development Plan of YLS promulgated in May 2020, the Site falls partly within an area zoned “Other Specified Uses (Electricity Substation)”, partly within an area

zoned “District Open Space” 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.

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

- (a) He has no objection to the application for temporary use for three years.
- (b) The majority of the Site falls within the boundary of YLS Development – Stage 2 Phase 2. The land resumption and clearance programme of the project is subject to Executive Council’s (ExCo’s) authorisation on land resumption and Finance Committee’s (FC’s) funding approval of the project. Land clearance operation at the eastern part of the Site is tentatively targeted to commence in 2024. Thus, the applicant shall be reminded that extension of the planning permission for the majority of the Site may not be supported in the future and shall be advised not to carry out any substantial works within the majority of the Site in view of the planned YLS Development – Stage 2 Phase 2.
- (c) A very small portion of the Site near Kung Um Road falls within the boundary of YLS Development – Stage 2 Phase 1 (the project). Based on the latest programme of the project, the land clearance at the concerned part of the Site is planned to commence in mid-2022 subject to ExCo’s authorisation on land resumption and FC’s funding approval of the project by Q4 2021 and Q1 2022 respectively. The programme of land resumption would follow the project programme notwithstanding the validity period of the planning permission to be granted.
- (d) Should the application be approved by the Board, an advisory clause should be stipulated to remind the applicant that ‘the Site might be subject to land resumption for the implementation of the YLS Development – Stage 2 Phase 1 which might take place at any time before the expiry of the temporary planning permission and thus the applicant shall be advised not to carry out any substantial works in view of the planned project’. His department will give sufficient notice to relevant department(s) for early resumption of the Site if his department's works commence early.

**Water Supply**

10.1.12 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):



- (a) Existing water mains will be affected (**Plan A-2**). A waterworks reserve within 1.5m from the centerline of the water main shall be provided to her department.
- (b) The applicant should be reminded of the detailed comments at **Appendix VI**.

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

#### 10.1.13 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) Director of Electrical and Mechanical Services (DEMS); and
- (c) Director of Agriculture, Fisheries and Conservation (DAFC)

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

On 29.12.2020, 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 generate adverse traffic, environmental and fire safety impacts (**Appendix V**).

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

- 12.1 The application is for renewal of planning approval for temporary warehouse for storage of machinery and spare parts for a period of 3 years. Although the applied use is not in line with the planning intentions of the "G/IC" and "O" zones, DLCS and PM(W), CEDD have no objection to the application. 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, it is suggested to include an advisory clause to remind the applicant that a small portion of the Site near Kung Um Road might be subject to land resumption for the implementation of the YLS Development – Stage 2 Phase 1 which might take place at any time before the expiry of the temporary planning permission and that no substantial works should be carried out at the Site in view of the planned project.
- 12.2 The surrounding areas comprise predominantly open storage/storage yards, warehouses, vehicle repair workshops and car parks (**Plan A-2**). Although 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/884 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 department, including C for T, DEP and CE/MN, DSD. Furthermore, relevant approval conditions are recommended in paragraph 13.2 to address the local concerns 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 four previous approvals for storage uses have been granted to the Site and 9 similar applications within/straddling the subject “O” 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 machinery and spare parts 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 7.4.2021 to 6.4.2024. 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 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, 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 boundary fencing on the Site shall be maintained at all times during the planning approval period;
- (g) the existing trees within the Site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the Site shall be maintained 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 7.7.2021;
- (j) the implementation of the fire service installations proposal within **6** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 7.10.2021;
- (k) 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
- (l) if any of the above planning conditions (i) or (j) 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), (b), (e), (f), (g), (h), (i) and (j) are the same as those under the permission for application No. A/YL-TYST/884, conditions (c) and (d) 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 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is not in line with the planning intentions of the "G/IC" and "O" zones which are for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory, and outdoor open-air public space for active and/or passive recreational uses respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis.

#### **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 annex and plans received on 22.12.2020              |
| <b>Appendix Ia</b>         | Supplementary Information received on 24.12.2020                          |
| <b>Appendix Ib</b>         | FI received on 27.1.2021  |
| <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 the same “G/IC(2)” and/or “O” zone on the OZP |
| <b>Appendix V</b>          | Public Comment received during the Statutory Publication Period           |
| <b>Appendix VI</b>         | Recommended Advisory Clauses  |
| <b>Drawing A-1</b>         | Site Layout Plan  |
| <b>Drawing A-2</b>         | Landscape and Tree Preservation Proposal                                  |
| <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>Plans A-4a and A-4b</b> | Site Photos   |

**PLANNING DEPARTMENT  
FEBRUARY 2021**