

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1305

- Applicant** : 聯合倉庫管理有限公司
- Site** : Various Lots in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long
- Site Area** : 6,460 m² (about) (including GL of about 44.67 m² (0.7%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Residential (Group C)” (“R(C)”)
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park (9m)]
- Application** : Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials for a period of three years at the application site (the Site) zoned “R(C)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off, partly under construction and partly occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the northeastern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of construction materials (including bricks, sandstones, glass and tiles). No inflammable items will be stored at the Site. A two-storey structure (not exceeding 11m in height) with a total floor area of about 6,782m² is provided for warehouse, site office, toilet and pump room uses. Two parking spaces for private cars and three loading/unloading (L/UL) spaces for light goods vehicles (LGVs) are provided. Vehicle entering the Site will be by appointment. Plans showing site layout with vehicular access leading to the Site, fire service installations (FSIs) proposal and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in 13 previous applications, including seven applications for various temporary warehouse uses of which six applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board or the Board upon review between 2002 and 2023 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1235), the current application is submitted by a different applicant for a similar warehouse use at the same site with similar layout and development parameters. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1235 (a)	Current Application No. A/YL-TYST/1305 (b)	Difference (b)-(a)
Applied Use(s)	Temporary Warehouse for Storage of Food Provisions for a Period of 3 Years	Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	Change in stored items
Site Area	About 6,460 m ²		---
Total Floor Area (Non-domestic)	About 4,685 m ²	About 6,782 m ²	+2,097 m ² - (+44.8%)
No. of Structure	1 • for warehouse, site office, toilet and pump room		---
Height of Structure	11m, 1 storey	11m, 2 storeys	+1 storey
No. of Parking Spaces	2 (for private cars) (5m x 2.5m each)		---
No. of L/UL Spaces	3 (for LGVs) (7m x 3.5m each)		---
Operation Hours	8:00 a.m. to 8:00 p.m., with no operation on Sundays and Public Holidays		---

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

- (a) Application Form with attachments received on 22.1.2025 **(Appendix I)**
- (b) Further Information (FI) received on 4.3.2025* **(Appendix Ia)**
- (c) FI received on 18.3.2025* **(Appendix Ib)**
** accepted and exempted from publication and recounting requirements*

- 1.5 On 14.3.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

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 applied use is temporary in nature and would not jeopardise the long-term planning intention of the area;
- (b) a number of similar applications for temporary warehouse uses have been approved by the Board in the vicinity of the Site ;
- (c) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”);
- (d) short term tenancy (STT) and short term waiver (STW) applications will be submitted to regularise the unauthorised structure(s) at the Site upon approval of the current planning application;
- (e) septic tank and soakaway system will be provided in accordance with the requirements set out in the Practice Note for Professional Persons (ProPECC) PN 1/23; and
- (f) no tree felling, filling of pond and excavation of land will be carried out at the Site and the applicant will maintain the drainage and FSI facilities at the Site in good conditions. No adverse traffic and environmental impacts arising from the applied use are envisaged.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31B are not applicable.

4. Background

The storage use at the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was, in part or in whole, involved in 13 previous applications, including seven applications (No. A/YL-TYST/169, 285, 344, 377, 555, 758 and 1235) for similar temporary warehouse uses. The remaining six applications (No. A/YL-TYST/190, 217, 225, 240, 774 and 805) are for various other temporary uses including shop, war game field, etc., and their considerations are not relevant to the current application which involves a different use. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

Approved Applications

- 5.2 Six applications (No. A/YL-TYST/169, 285, 344, 377, 555 and 1235) for temporary warehouse uses were approved with conditions each for a period of one to three years by the Committee or the Board upon review between 2002 and 2023 mainly on the considerations that the conversion of the pigsty on the site to a covered warehouse might represent an improvement to the surrounding environment (for A/YL-TYST/169); the proposals were not incompatible with the surrounding areas; 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 permissions for three of them (A/YL-TYST/169, 285 and 1235) were subsequently revoked between 2003 and 2025 due to non-compliance with time-limited approval conditions¹.

Rejected Application

- 5.3 Application No. A/YL-TYST/758 for temporary warehouse for storage of building material (ceramic tiles) was rejected by the Committee in 2015 on the grounds that the applied use was not in line with the planning intention of the “R(C)” zone and the development would generate adverse environmental impact on the residential use in the vicinity of the site.

6. Similar Applications

Five similar planning applications (No. A/YL-TYST/1232, 1233, 1236, 1259 and 1276) for various temporary warehouse uses with/without open storage use within/straddling the subject “R(C)” zone were approved with conditions each for a period of three years by the Committee in the past five years mainly on similar considerations as those mentioned in paragraph 5.2 above. Details of these similar applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

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

7.1 The Site is:

- (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, fenced off, partly under construction and partly occupied by the applied use without valid planning permission. (**Plans A-2 to A-4**).

- 7.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, car servicing, shops, unused land and vacant land (**Plans A-2 and A-3**). Some of these uses in the vicinity are suspected UDs subject to planning enforcement action.

¹ The planning permission under last planning application No. A/YL-TYST/1235, which was submitted by a different applicant with different stored items compared with the current application, was revoked in 2025 due to non-compliance with approval conditions regarding the submission and implementation of drainage and FSIs proposals.

8. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department has adverse comments on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has adverse comment to the application;
- (b) 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;
- (c) within the Site, Lots 1294, 1295, 1298, 1302, 1303, 1304, 1305 and 1307 in D.D. 119 are currently covered by STWs No. 3597 to 3604 respectively for Temporary Warehouse for Storage of Building Materials (Ceramic Tiles);
- (d) the following irregularities covered by the current application have been detected by his office:

Unauthorised structure(s) within the private lots covered by the planning application

- (i) he has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on the Lots 1301, 1306 and 1309 in D.D. 119 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and

Unlawful occupation of GL adjoining the private lot(s) with unauthorised structure covered by the planning application

- (ii) the GL within the Site has been unlawfully occupied with unauthorised structure(s) without permission. Any occupation of GL without Government's prior approval is an offence

under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice; and

- (e) the applicant should note his advisory comments at **Appendix IV**.

10. Public Comments Received During the Statutory Publication Period

On 4.2.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the Chairman of the Yuen Long Town Centre & Rural East Area Committee who did not express any comment on the application (**Appendix V-1**), and an individual raising concern that the Board should take into consideration the status of compliance with approval conditions under the last approved application No. A/YL-TYST/1235 (**Appendix V-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of construction materials for a period of three years at the Site zoned “R(C)” on the OZP. While the applied use is not in line with the planning intention of “R(C)” zone, there are no known development programme or proposals for residential development at the Site for the time being. The Site also falls within the possible expansion of the Yuen Long South (YLS) Development Area which is currently under review together with YLS Third Phase Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department and Project Manager (West) of 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.
- 11.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with vehicle repair workshops, car servicing, shops, unused land and vacant land (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection (DEP), Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. 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 possible environmental nuisance on the surrounding areas.
- 11.4 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site which are already subject to lease enforcement actions and unlawful occupation of GL within the Site, the applicant indicates that STT and STW will be applied from DLO/YL, LandsD upon approval of the application to regularise the unauthorised structure(s) at the Site (**Appendix Ib**). The applicant will also be

advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 Given that six previous approvals for similar temporary warehouse uses have been granted to the Site between 2002 and 2023 and five similar applications within/straddling the subject “R(C)” zone have been approved in the past five years, approval of the current application is generally in line with the previous decisions of the Committee/the Board. While there was one previous application (No. A/YL-TYST/758) for temporary warehouse use rejected by the Committee in 2015 mainly on the grounds that the applied use was not in line with the planning intention of the “R(C)” zone and the development would generate adverse environmental impact on the residential use in the vicinity of the site, the circumstances of the current application are different in that the use of heavy vehicles is not involved and DEP has no adverse comment on the application from environmental aspect.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. For the concern on non-compliance with previous approval conditions, the previous application was submitted by a different applicant with different stored items compared with the current application. Nevertheless, the current applicant has submitted drainage and FSIs proposals in support of the application and concerned departments have no objection to the application.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10 above, the Planning Department has no objection to the application.
- 12.2 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 until 2.5.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.11.2025;
- (b) in relation to (a) above, the implementation of the revised drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 2.2.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of a revised fire service installations proposal within **6** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.11.2025;

- (e) in relation to (d) above, the implementation of the revised fire service installations proposal within **9** months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 2.2.2026;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 IV**.

- 12.3 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 intention of the "R(C)" zone which is primarily for low-rise, low-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix I	Application Form with attachments received on 22.1.2025
Appendix Ia	FI received on 4.3.2025
Appendix Ib	FI received on 18.3.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	FSIs Proposal

Drawing A-3	Drainage 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
MAY 2025