

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1286**

- Applicant** : Mr. TSUI Yat Wah represented by Ever United Planning and Development Limited
- Site** : Various Lots in D.D. 119 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long
- Site Area** : 22,530 m<sup>2</sup> (about) (including GL of about 57 m<sup>2</sup> (0.25%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse (Excluding Dangerous Goods Godown) and Open Storage of Building Materials and Construction Machinery with Ancillary Workshop Activities for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) and open storage of building materials and construction machinery with ancillary workshop activities for a period of three years at the application site (the Site) zoned “U” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, all uses or developments within the “U” zone except those specified in the Notes require planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off and occupied by the applied uses without valid planning permission (**Plans A-2 to A-4d**).
- 1.2 The Site with the ingress/egress at the southeastern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied uses are for storage of building materials (including metal bars) and construction machinery (including tower crane parts and excavators) with ancillary workshop activities (including dismantling, sorting, packaging and repairing of building materials and construction machinery). The area used for open storage is about 1,675m<sup>2</sup> (i.e. about 7.43% of the site area). The Site is sub-divided into four units by internal fencing and there are 20 structures with a total floor area of about 11,720.33m<sup>2</sup>, including 16 single-storey structures and four two-storey structures

(not exceeding 2.5m to 12m in height) for warehouses, offices, toilets, rain shelters, water tank and pump room uses. All ancillary workshop activities will take place within structure No. 10. No other workshop activities involving used electrical/electronic appliances and parts, and no storage/handling (including loading and unloading (L/UL)) of cathode-ray tubes and any other types of electronic waste will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site was, in whole or in part, involved in 23 previous applications including 21 applications for various temporary warehouse and/or open storage uses with/without other uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2001 and 2023 (details at paragraph 5 below). Compared with the previous application submitted by the same applicant (No. A/YL-TYST/1173)<sup>1</sup> approved in 2022, the current application is submitted for similar temporary storage use covering a larger site with different layout and development parameters. A comparison of the major development parameters of the current application and previous application No. A/YL-TYST/1173 is summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/1173 (a)</b>	<b>Current Application No. A/YL-TYST/1286 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use(s)	Proposed Temporary Warehouse for Storage of Electronic Goods, Furniture and Construction Materials for a Period of 3 Years	Temporary Warehouse (Excluding Dangerous Goods Godown) and Open Storage of Building Materials and Construction Machinery with Ancillary Workshop Activities for a Period of 3 Years	Addition of open storage with ancillary workshop activities uses; change in stored items
Site Area	About 2,020 m <sup>2</sup>	About 22,530 m <sup>2</sup>	+20,510 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 1,548 m <sup>2</sup>	About 11,720.33 m <sup>2</sup>	+10,172.33 m <sup>2</sup>
No. and Height of Structures	3 • for warehouse, office and toilet (3.5 – 12m, 1 storey)	20 • for warehouses, offices, toilets, rain shelters, water tank and pump room (2.5 – 12m, 1 – 2 storey(s))	+17
No. of Parking Space(s)	1 (for private car) (5m x 2.5m)	Nil	-1
No. of L/UL Spaces	2 (for light goods vehicles) (7m x 3.5m each)	2 (for light good vehicles) (7m x 3.5m each)	+12

<sup>1</sup> The last approved application (No. A/YL-TYST/1213) was submitted by a different applicant at a much larger site which only covered a minor portion of the Site.

		<p>2 (for medium/heavy goods vehicles) (11m x 3.5m each)</p> <p>10 (for container vehicles) (16m x 3.5m each)</p>	
Operation Hours	7:00 a.m. to 7:00 p.m., with no operation on Sundays and Public Holidays	8:00 a.m. to 9:00 p.m., with no operation on Sundays and Public Holidays	Longer operation hours

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form received on 8.10.2024 **(Appendix I)**
- (b) Supplementary Planning Statement **(Appendix Ia)**
- (c) Further Information (FI) received on 5.2.2025\* **(Appendix Ib)**
- (d) FI received on 11.4.2025 # **(Appendix Ic)**
- (e) FI received on 19.5.2025\* **(Appendix Id)**  
*\* accepted and exempted from publication and recounting requirements*  
*# accepted but not exempted from publication and recounting requirements*

1.5 On 6.12.2024 and 28.3.2025, the Committee agreed to defer making a decision on the application for two months respectively 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 Supplementary Planning Statement and FI (**Appendices Ia to Id**). They can be summarised as follows:

- (a) the Site has been the subject of previous planning permissions for similar temporary warehouse and/or open storage uses since 1998, including applications No. A/YL-TYST/1105 and 1173 submitted by the same applicant. A fresh application is submitted as the applicant would like to combine the two application sites and there are changes in the stored items and site layout;
- (b) the applied open storage use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13G);
- (c) the applied uses are in line with the planning intention of the “U” zone and there is a shortage of land for storage use in TYST area;

- (d) a number of open storage and warehouse uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to those of the Site. The applied uses are compatible with the surrounding environment;
- (e) application for modification of short term tenancy and short term waiver conditions will be submitted upon approval of the current planning application;
- (f) 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”); and
- (g) there will be no adverse traffic, environmental, visual and drainage impacts arising from the applied uses. All existing trees and fencing will be preserved by the applicant.

### **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 publishing notices in local newspapers. 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 23 previous applications for various temporary warehouse and/or open storage uses with/without other uses. 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 21 applications (No. A/YL-TYST/27, 153, 194, 265, 309, 370, 427, 519, 556, 587, 665, 726, 802, 827, 896, 1003, 1024, 1059, 1105, 1173 and 1213) for various temporary warehouse and/or open storage uses with/without other uses were approved with conditions each for a period of two or three years by the Committee between 1998 and 2023 mainly on the considerations that the applied uses were generally in line with the then TPB PG-No. 13 (or its later versions); the proposals were not incompatible with the surrounding areas; approval of the application on a temporary basis would not jeopardise the long-term development of the area; and the departmental concerns could be addressed by imposing approval conditions. However, five of the planning permissions (No. A/YL-TYST/802, 1024, 1059,

1173 and 1213) were subsequently revoked between 2017 and 2025 due to non-compliance with time-limited approval conditions<sup>2</sup>.

#### *Rejected Applications*

- 5.3 The remaining two applications (No. A/YL-TYST/141 and 297) for temporary open storage uses were rejected by the Committee or the Board upon review in 2001 and 2005 respectively mainly on the grounds that there was insufficient information to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and the proposal did not comply with the then TPB PG-No. 13 in that no previous approval had been granted to the site, the proposal was not compatible with the residential structures along the access road and there were adverse departmental comments on the application (for application No. A/YL-TYST/297 only).

### **6. Similar Applications**

- 6.1 A total of 91 similar planning applications for various temporary warehouse and/or open storage uses with/without other uses within/straddling the subject “U” zone had been considered by the Committee in the past five years. Details of these similar applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Out of the 91 similar applications, 90 were approved by the Committee between 2020 and 2025 mainly on similar considerations as those mentioned in paragraph 5.2 above. However, the planning permissions for 23 of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining application was rejected by the Committee in 2021 on the grounds that approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar planning applications for temporary uses, thus nullifying the statutory planning control system.

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

- 7.1 The Site is:
- (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
  - (b) paved, fenced off and occupied by the applied uses without valid planning permission (**Plans A-2 to A-4d**).
- 7.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards intermixed with graves, a plant nursery, agricultural land and

---

<sup>2</sup> Application No. A/YL-TYST/1173, which was submitted by the same applicant as the current application, was revoked in 2024 due to non-compliance with time-limited approval conditions related to the submission and implementation of drainage and FSIs proposals.

unused land (**Plans A-2 and A-3**). Some of these uses in the vicinity are suspected UD's subject to planning enforcement action.

## **8. Planning Intention**

- 8.1 The planning intention of the “U” zone is to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises. Any proposed developments within the zone should demonstrate that they will not have significant traffic, drainage and environmental impacts on the area.
- 8.2 According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”, this area falls within the remaining stages of the YLS Development and the existing operations would be gradually phased out in stages.

## **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 does not support the application:

### **Environment**

Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application as the applied uses will cause traffic of heavy vehicles and the heavy vehicle traffic is expected to travel along the access road within 50m from the nearest sensitive receivers of residential uses, environmental nuisance is expected; and
- (b) no environmental complaint concerning the Site received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

## **10. Public Comment Received During the Statutory Publication Periods**

On 15.10.2024 and 16.5.2025, the application was published for public inspection. During the statutory public inspection periods, no public comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse (excluding dangerous goods godown) and open storage of building materials and construction machinery with ancillary workshop activities for a period of three years at the Site zoned “U” on the OZP.

The applied uses are generally not in conflict with the planning intention of the “U” zone. The area is designated as “U” zone mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport (C for T) has no adverse comment on the application from traffic engineering perspective. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls mainly within an area zoned “Residential – Zone 2 (with Commercial)” with a minor portion zoned “District Open Space” and “Other Specified Uses (Hillside River Corridor with Scenic Cycle Track)” and partly within an area shown as ‘Road’ under the Third Phase of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department (PlanD) 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 intermixed with graves, a plant nursery, agricultural land and unused land (**Plans A-2 and A-3**). The applied uses are generally not incompatible with the surrounding uses.
- 11.3 Other concerned government departments consulted, including the Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to/no adverse comment on the application from fire safety and drainage aspects respectively. DEP does not support the application as the applied uses will cause traffic of heavy vehicles and the heavy vehicle traffic is expected to travel along the access road within 50m from the nearest sensitive receivers of residential uses, and hence environmental nuisance is expected. Nonetheless, no environmental complaint concerning the Site has been received by DEP in the past three years. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice” to minimise possible environmental nuisance on the surrounding areas and to keep the Site clean and tidy at all times. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other concerned government departments.
- 11.4 The Site was, in whole or in part, involved in 23 previous applications, including 21 of them for various temporary warehouse and/or open storage uses with/without other uses approved by the Committee between 1998 and 2023. However, the planning permission for the last previous application submitted by the same applicant (No. A/YL-TYST/1173) was revoked in 2024 due to non-compliance with time-limited approval conditions regarding the submission and implementation of drainage and FSIs proposals. In this regard, the applicant has submitted a drainage impact assessment and FSIs proposal in support of the current application (**Drawings A-4 and A-5**). The FSIs proposal was considered acceptable by D of FS while CE/MN, DSD has no objection to the current application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 11.5 Given that 21 previous approvals for similar temporary warehouse and/or open storage uses have been granted to the Site from 1998 to 2023 and 90 similar applications within/straddling the subject “U” zone have been approved in the past

five years, approval of the current application is generally in line with the Committee's previous decisions. There were two previous applications rejected by the Committee or the Board upon review in 2001 and 2005 respectively mainly on the grounds mentioned in paragraph 5.3 above. However, such considerations are not applicable to the current application as CE/MN, DSD has no objection to the current application and DEP's concerns could be addressed by the considerations mentioned in paragraph 11.4 above. While there was one similar application in the subject "U" zone rejected on the grounds that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, sympathetic consideration may be given to the current application for the reasons stated in paragraph 11.4 above.

## **12. Planning Department's Views**

- 12.1 Based on the assessments made in paragraph 11 above, PlanD 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 6.6.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the submission of a revised Drainage Impact Assessment 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 6.12.2025;
- (b) in relation to (a) above, the implementation of the drainage facilities proposed in the revised Drainage Impact Assessment 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 6.3.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 18.7.2025;
- (e) the implementation of the accepted 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 6.3.2026;
- (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 applicant fails to demonstrate that the applied uses would not generate adverse environmental impact on the surrounding areas.

## **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**

<b>Appendix I</b>	Application Form received on 8.10.2024
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 5.2.2025
<b>Appendix Ic</b>	FI received on 11.4.2025
<b>Appendix Id</b>	FI received on 19.5.2025
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	The Good Practice Guidelines for Open Storage Sites
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Landscape and Tree Preservation Proposal
<b>Drawing A-4</b>	Drainage Proposal
<b>Drawing A-5</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 to A-4d</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2025**