

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1313

- Applicant** : Xiao Ming Engineering Limited represented by Goldrich Planners and Surveyors Limited
- Site** : Lot 1282 (Part) in D.D. 119, Yuen Long
- Site Area** : 3,325 m² (about)
- 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 (Excluding Dangerous Goods Godown) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) with ancillary office for a period of three years at the application site (the Site) zoned “R(C)” on the OZP (**Plan A-1**). 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 comprises two portions separated by a local track. Both portions are currently paved and fenced off. The northern portion is occupied by the applied use without valid planning permission and the southern portion is largely vacant. (**Plans A-2 to A-4b**).
- 1.2 The northern and southern portions with the ingress/egress points at the southern and western parts respectively are 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 bamboo, scaffoldings, bricks, metals and sand, etc.). A total of 11 structures, including 10 single-storey structures and a two-storey structure (not exceeding 4m to 9m in height) with a total floor area of about 1,469m² will be used for warehouses, ancillary offices, open shed, toilets and container storage uses. No workshop activities will be carried out and no public

announcement systems, whistle blowing or portable loudspeaker will be allowed at the Site. Plans showing the vehicular access leading to the Site, site layout and swept path analysis submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 The major development parameters of the application are summarised as follows:

Site Area	About 3,325 m ²
Total Floor Area (Non-domestic)	About 1,469 m ²
No. and Height of Structures	11 • for warehouses, ancillary offices, open shed, toilets and container storage uses (4 – 9 m, 1 – 2 storey(s))
No. of Parking Spaces	1 (for private car) (5m x 2.5m) 2 (for light goods vehicles) (7m x 3.5m each) 1 (for medium goods vehicle) (10m x 3.5m)
No. of Loading/ Unloading Space	Nil
Operation Hours	9:00 a.m. to 7:00 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 9.5.2025 **(Appendix I)**
- (b) Further Information (FI) received on 10.6.2025 **(Appendix Ia)**
[accepted and 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 FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the development would serve the strong demand for warehouses in the Yuen Long area and approval of the application on a temporary basis 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. The applied use is not incompatible with the surrounding land uses;
- (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) 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
- (e) there will be no adverse visual, drainage, fire safety, traffic and environmental impacts arising from the applied use.

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 notice to the Shap Pat Heung Rural Committee and Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The warehouse use currently at the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action¹.

5. Previous Application

The Site was involved in a previous application (No. A/YL-TYST/1207) for proposed temporary shop and services for a period of five years submitted by a different applicant which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023. The considerations are not relevant to the current application which involves a different use. Details of the previous application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1**.

6. Similar Applications

There are eight similar planning applications (No. A/YL-TYST/1232, 1233, 1235, 1236, 1259, 1276, 1305 and 1311) involving seven sites for various temporary warehouse uses with/without open storage use within/straddling the subject “R(C)” zone in the past five years. All eight applications were approved with conditions each for a period of three years by the Committee mainly on the considerations that the proposal was 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. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.

¹ The Site was the subject of previous planning enforcement cases (No. E/YL-TYST/895 and 896 covering the northern and southern portions of the Site respectively) against UD’s involving storage use (including deposit of containers) (**Plan A-2**). Enforcement Notices were issued on 7.7.2022. Subsequent site inspections revealed that the UD’s had been discontinued. The Compliance Notices for cases No. E/YL-TYST/895 and 896 were issued on 11.1.2023 and 8.11.2023 respectively.

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

7.1 The Site is:

- (a) comprising two portions separated by a local track;
- (b) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
- (c) currently paved and fenced off. The northern portion is occupied by the applied use without valid planning permission and the southern portion is largely vacant (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, a car park, workshop, grave and vacant land/structures (**Plans A-2 and A-3**).

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 does not support the application:

Environment

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

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 10m to its east) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (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 Period

On 16.5.2025, the application was published for public inspection. During the statutory

public inspection period, a public comment was received from an individual objecting to the application on the grounds that the Site is the subject of previous enforcement cases related to storage use and the previous application No. A/YL-TYST/1207 was revoked due to non-compliance with approval conditions related to fire safety and drainage aspects (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (excluding dangerous goods godown) with ancillary office 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 scattered residential structures, vehicle repair workshops, a car park, workshop, grave and vacant land/structures (**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 Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic, fire safety and drainage aspects respectively. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 10m to its east) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, thus 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 relevant environmental mitigation measures in the latest “Code of Practice” to minimise possible environmental nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other concerned government departments.
- 11.4 The Committee has approved eight similar applications within/straddling the subject “R(C)” zone in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 11.5 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant. Regarding the concerns that the Site is the subject of previous planning enforcement cases and revocation, the information in paragraph 5 above are relevant and the previous application No. A/YL-TYST/1207 was submitted by a different applicant

for a different use, in which the considerations are not relevant to the current application.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 4.7.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a 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 4.1.2026;
- (b) in relation to (a) above, the implementation of the 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 4.4.2026;
- (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 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 4.1.2026;
- (e) in relation to (d) above, the implementation of the 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 4.4.2026;
- (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 9.5.2025
Appendix Ia	FI received on 10.6.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Swept Path Analysis
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2025**