

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

APPLICATION NO. A/YL-TYST/1314

<u>Applicant</u>	:	Mr. FONG Chi Wing represented by Ever United Planning and Development Limited
<u>Site</u>	:	Lots 1018 S.B, 1156 RP, 1157 S.A, 1157 S.B and 1158 S.A & B in D.D. 119 and Adjoining Government Land (GL), Kung Um Road, Yuen Long ¹
<u>Site Area</u>	:	3,630 m ² (about) (including GL of about 262 m ² (about 7.2%))
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Undetermined” (“U”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Warehouse for Storage of Construction Materials with Ancillary Workshop and Site Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary warehouse for storage of construction materials with ancillary workshop and site office 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 use with valid planning permission under application No. A/YL-TYST/1167 until 29.7.2025 (**Plans A-1b to A-4b**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, the

¹ At the time of submission, the Site’s land status was “Lots 1018 S.B, 1156, 1157 S.A, 1157 S.B and 1158 S.A & B in D.D. 119, Kung Um Road, Yuen Long”. On 21.5.2025, portion of Lot 1156 in D.D. 119 was reverted to the Government under Gazette Notice No. 972 and the unresumed portion was designated as Lot 1156 RP in D.D. 119.

temporary warehouse is for storage of construction materials (including bricks, wood board, metallic raw materials and semi-finished materials). There are 10 structures with a total floor area of about 2,359m² within the Site, including eight single-storey structures and two two-storey structures (not exceeding 3 to 6.5m in height) for warehouse with ancillary workshop, site offices, rain shelters, store room, guard room, toilet, water tank and pump room uses. The ancillary workshop activities include dismantling, sorting, packaging and repairing of construction materials, which would be carried out in Structure No. 1 under shelters and on concrete-paved area (**Drawing A-2**). No ancillary 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, as-planted landscape and tree preservation plan, as-built drainage plan and fire service installations (FSIs) proposal submitted by the applicants are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site was involved in six previous applications including five applications (No. A/YL-TYST/475, 643, 803, 966 and 1167) for the same temporary warehouse with ancillary workshop and site office use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2010 and 2022 (details at paragraph 6 below). Compared with the last application (No. A/YL-TYST/1167), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters are summarised as follows:

Site Area	About 3,630 m ²
Total Floor Area (Non-domestic)	About 2,359 m ²
No. and Height of Structures	10 • for warehouse with ancillary workshop, site offices, rain shelters, store room, guard room, toilet, water tank and pump room (3 – 6.5m, 1 – 2 storey(s))
No. of Parking Space	1 (for private car) (5m x 2.5m)
No. of L/UL Spaces	2 (for medium/heavy goods vehicles) (11m x 3.5m each)
Operation Hours	8:00 a.m. to 6:00 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 received on 19.5.2025 (Appendix I)
- (b) Supplementary Planning Statement (SPS) (Appendix Ia)
- (c) Further Information (FI) received on 18.6.2025* (Appendix Ib)
- (d) FI received on 4.7.2025* (Appendix Ic)
* *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 SPS and FIs (**Appendices Ia to Ic**). They can be summarised as follows:

- (a) the Site has been the subject of six previous planning permissions for open storage and warehouse uses since 2007 and all approval conditions of the last planning application (No. A/YL-TYST/1167) have been complied with;
- (b) the development 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 use is 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 warehouse 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 applied use is compatible with the surrounding environment;
- (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 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”);
- (f) the applicant is well aware that the Site is subject to land resumption and commits to cease and vacate the existing operation that falls within the land resumption area before the commencement of the relevant Government works; and
- (g) there will be no adverse traffic, environmental, visual and drainage impacts arising from the applied use. 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. The owner’s consent/notification requirements as set out in TPB PG-No. 31B are not applicable to the GL portion.

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. 34D) 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 was involved in six previous applications, including five applications (No. A/YL-TYST/475, 643, 803, 966 and 1167) for the same temporary warehouse with ancillary workshop and site office use. The remaining application (No. A/YL-TYST/357) is for temporary open storage use and its considerations are not relevant to the current application which involves a different use. Details of these previous applications are summarised in **Appendix III** and the boundary of the sites is shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/475, 643, 803, 966 and 1167 were approved with conditions each for a period of three years by the Committee between 2010 and 2022 mainly on the considerations that the developments were not incompatible with the surrounding areas; approval of the applications 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, three of the planning permissions (No. A/YL-TYST/475, 803 and 966) were subsequently revoked in 2012, 2019 and 2022 due to non-compliance with time-limited approval conditions. As for the last application (No. A/YL-TYST/1167), all the approval conditions have been complied with and the planning permission is valid until 29.7.2025.

7. Similar Applications

- 7.1 A total of 83 similar planning applications for various temporary warehouse use with/without other uses within/straddling the subject “U” zone have been considered by the Committee in the past five years. Details of these similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 83 similar applications, 82 were approved by the Committee between 2020 and 2025 mainly on similar considerations as those mentioned in paragraph 6.2 above. However, the planning permissions for 26 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 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.

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

- 8.1 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 currently occupied by the applied use with valid planning permission (**Plans A-2 to A-4b**).

8.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, car servicing, unused land and vacant land/structures (**Plans A-2 and A-3**).

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. Any proposed developments within the zone should demonstrate that they will not have significant traffic, drainage and environmental impacts on the area.

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”, this area 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 Apart from the government departments as set out in paragraph 10.2 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 IV and V** respectively.

10.2 The following government departments do not support/have adverse comments on the application:

Environment

10.2.1 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 to its immediate west) (**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 V**.

Land Administration

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

- (a) he has adverse comments on the application;

- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government;
- (c) portion of Lot 1156 in D.D. 119 (about 262m²) was reverted to the Government on 21.5.2025 under Gazette Notice No. 972 and the unresumed portion was designated as Lot 1156 RP in D.D. 119 (**Plan A-2**). It is noticed that the resumed portion was included in the Site. Any application(s) for Short Term Tenancy in relation to the resumed portion will not be considered by his office. The applicant should review and revise the application boundary accordingly;
- (d) Lots 1018 S.B, 1156 RP, 1157 S.A, 1157 S.B and 1158 S.A & B in D.D. 119 are covered by Short Term Waiver No. 3458 for the purpose of “Warehouse for Storage of Construction Materials (with Ancillary Workshop and Site Office)”; and
- (e) the applicant should note his advisory comments at **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 27.5.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary warehouse for storage of construction materials with ancillary workshop and site office for a period of three years at the Site zoned “U” on the OZP. The applied use is 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 within an area partly zoned “District Open Space” and “Local Open Space” under the Third Phase of YLS Development and partly within an area shown as ‘Road’ under the Second 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. Taking account of the above and the planning assessment below, there is no objection to the applied use on a temporary basis of a further period of three years.
- 12.2 The surrounding areas comprise predominantly warehouses and open storage/ storage yards with scattered residential structures, vehicle repair workshops, car servicing, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.
- 12.3 Noting that all the time-limited approval conditions under the previous approval have been complied with; the three-year approval period sought is reasonable and

of the same timeframe as the previous approval; and the planned permanent development would not be pre-empted given the consideration as mentioned in paragraph 12.1 above, the application is considered not in conflict with TPB PG-No. 34D.

- 12.4 Other concerned government departments consulted, including the 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 fire safety and drainage aspects respectively. While 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 to its immediate west) (**Plan A-2**) and the applied use will involve heavy vehicle traffic thus environmental nuisance is expected, there has been no substantiated environmental complaint concerning the Site received 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 potential environmental nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of other concerned government departments. DLO/YL, LandsD has adverse comments on the application as the easternmost part of the Site was resumed by the Government on 21.5.2025 (**Plan A-2**). In this regard, the applicant stated that he will cease and clear the existing operations which fall within the resumed area before commencement of Government works, and would not affect the development progress of YLS Development. The applicant will also be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 12.5 Given that five previous approvals for the same temporary warehouse with ancillary workshop and site office use have been granted to the Site from 2010 to 2022 and 82 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 previous decisions of the Committee.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD has no objection to the application.
- 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 three years and be renewed from 30.7.2025 to 29.7.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 30.10.2025;

- (c) if the above planning condition (a) 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
- (d) if the above planning condition (b) 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 V**.

- 13.3 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 use would not generate adverse environmental impact on the surrounding areas.

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 applicants.

15. Attachments

Appendix I	Application Form received on 19.5.2025
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 18.6.2025
Appendix Ic	FI received on 4.7.2025
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	As-planted Landscape and Tree Preservation Plan
Drawing A-4	As-built Drainage Plan
Drawing A-5	FSIs 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

Plans A-4a and A-4b Site Photos

**PLANNING DEPARTMENT
JULY 2025**