

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1315

- Applicant** : KSK Engineering Consultant Limited
- Site** : Lots 1314, 1315, 1316 and 1317 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
- Site Area** : 3,190 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 for Storage of Food Provisions for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of food provisions 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 and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 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 use is for storage of food provisions (including individually packed food cans and fruits). No inflammable goods and frozen or fresh meat will be stored at the Site. A total of five structures, including four single-storey structures and a two-storey structure (not exceeding 3m to 9m in height) with a total floor area of about 2,724m² are provided for food storage, office, toilet, pump room and mechanical equipment uses. No food processing, washing or cooking activities will be carried out at the Site. Three loading/unloading (L/UL) spaces for light goods vehicles (LGVs) are provided. Vehicle entering the Site will be arranged through

appointment. Plans showing the vehicular access leading to the Site, site layout with fire service installations (FSIs) and drainage proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in four previous applications, including the last approved application (No. A/YL-TYST/1233) for the same temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (details at paragraph 5 below). Compared with the last approved application, the current application is submitted by the same applicant for the same 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/1233 (a)	Current Application No. A/YL-TYST/1315 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Food Provisions for a Period of 3 Years		---
Site Area	About 3,190 m ²		---
Total Floor Area (Non-domestic)	About 2,705 m ²	About 2,724 m ²	+19 m ² - (+0.7%)
No. of Structures	6 • for food storage, office, toilet, pump room and mechanical equipments (3 – 9m, 1 – 2 storey(s))	5 • for food storage, office, toilet, pump room and mechanical equipments (3 – 9m, 1 – 2 storey(s))	-1
No. of Parking Space	Nil		---
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 19.5.2025 (**Appendix I**)
- (b) Further Information (FI) received on 27.6.2025 (**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 temporary use would not jeopardise the long-term planning intention and the applied use is not incompatible with the surrounding environment;
- (b) 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”);

- (c) short term waiver (STW) application will be submitted upon approval of the current planning application; and
- (d) 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 FSIs 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 notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The warehouse 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 four previous applications, including one application (No. A/YL-TYST/1233) for the same temporary warehouse use. The remaining three applications (No. A/YL-TYST/28, 764 and 1178) are for various temporary uses including open storage, public vehicle park and indoor recreation centre, 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**.
- 5.2 Application No. A/YL-TYST/1233 was approved with conditions by the Committee in 2023 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. However, the planning permission was subsequently revoked in 2025 due to non-compliance with time-limited approval conditions regarding the submission and implementation of drainage and FSIs proposals.

6. Similar Applications

There are eight similar planning applications (No. A/YL-TYST/1232, 1235, 1236, 1259, 1276, 1305, 1311 and 1313) involving seven sites for various temporary warehouse uses with/without open storage 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 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-4b)

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 and occupied by the applied use without valid planning permission (**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, plant nursery, graves 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 has adverse comments on the application:

Land Administration

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

- (a) he has adverse comment 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 the prior approval of the Government;
- (c) there is/are unauthorised structure(s) and/or uses on Lots 1316 and 1317 in D.D. 119 which is/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
- (d) the applicant should note his advisory comments at **Appendix IV**.

10. 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, a public comment was received from an individual objecting to the application on the grounds that the Board should take into consideration that the planning permission of previous application No. A/YL-TYST/1233 was revoked due to non-compliance with approval conditions (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of food provisions 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) New 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, plant nursery, graves 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 Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage aspects respectively. 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 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, the applicant indicates that STW will be applied from DLO/YL, LandsD upon approval of this application. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Site was involved in a previous application (No. A/YL-TYST/1233) for the same temporary warehouse use which was approved with conditions for a period of three years by the Committee in 2023. However, the planning permission was subsequently revoked in 2025 due to non-compliance with time-limited approval conditions on the submission and implementation of drainage and FSIs proposals. The current application is submitted by the same applicant with similar layout and development parameters compared with the last application. In this regard, the applicant has submitted drainage and FSIs proposals in support of the current

application (**Drawings A-2 and A-3**). D of FS and CE/MN, DSD have no objection to the current application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should it 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.

- 11.6 Given that a previous approval for the same use has been granted to the Site in 2023 and eight similar applications for temporary warehouse use 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.
- 11.7 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 above are relevant.

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 18.7.2028. 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 18.1.2026;
- (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 18.4.2026;
- (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 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 18.1.2026;
- (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 18.4.2026;
- (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 19.5.2025
Appendix Ia	FI received on 27.6.2025
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 with FSIs
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
Plans A-4a and A-4b	Site Photos