

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1317

<u>Applicant</u>	:	Forest Development & Construction Company Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lots 1311 S.A (Part), 1312 (Part), 1313, 1331 S.B ss.1 and 1331 S.B RP (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
<u>Site Area</u>	:	3,130 m ² (about)
<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>	:	“Residential (Group C)” (“R(C)”) <i>[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park (9m)]</i>
<u>Application</u>	:	Proposed Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse and open storage of construction machinery and 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 vacant and partly occupied by open storage of miscellaneous items without valid planning permission (**Plans A-2 to A-4**).
- 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 proposed uses are for storage of construction machinery (including miniature excavator and electric generator) and construction materials (including barricades, pipes and metal rods). A total of seven single-storey structures (not exceeding 8.5m in height) with a total floor area of about 1,560m² are provided for warehouse use. The area used for open storage use is about 1,000m² (i.e. about 31.9% of the site area). Two loading/unloading (L/UL) spaces for light goods vehicles (LGVs) will

be provided. No medium or heavy goods vehicles, including container tractors/trailers, will be allowed to enter the Site. No workshop activity will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout and proposed drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in a previous application (No. A/YL-TYST/28)¹ for temporary open storage use covering the northern portion of the Site (**Plan A-1b**) which was rejected by the Board upon review in 1998 (details at paragraph 5 below). The major development parameters of the current application are summarised as follows:

Site Area	About 3,130 m ²
Total Floor Area (Non-domestic)	About 1,560 m ²
No. and Height of Structures	7 • for warehouses (8.5m, 1 storey)
No. of Parking Space	Nil
No. of L/UL Spaces	2 (for LGVs) (7m x 3.5m each)
Operation Hours	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays

- 1.4 In support of the application, the applicant has submitted an Application Form with attachments received on 13.6.2025 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) the proposed 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);
- (b) there are other open storage yards in the vicinity of the Site. The proposed uses are compatible with the surrounding environment;
- (c) there are shortage of land for open storage and warehouse uses in TYST area; and
- (d) there will be minimal traffic, environmental and noise impacts arising from the proposed uses.

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/

¹ Zoned “Green Belt” (“GB”) at the time of consideration by the Board.

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

5. Previous Applications

5.1 The Site was involved in two previous applications, including one application (No. A/YL-TYST/28) for temporary open storage use. The remaining application (No. A/YL-TYST/764) was for temporary public vehicle park use and its 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/28 for temporary open storage use, covering part of the Site which was then zoned “GB”, was rejected by the Board upon review on 24.7.1998 mainly on the grounds that the proposed development was incompatible with the surrounding areas; the proposed development would encircle a number of existing domestic structures which would be adversely affected by the noise generated by the proposed development and access to these structures would also be denied by the development; no information to demonstrate that the vehicular access arrangement was satisfactory; insufficient information to demonstrate that the development would not generate adverse environmental/drainage impacts; and setting of an undesirable precedent.

6. Similar Applications

There are ten similar planning applications (No. A/YL-TYST/1232, 1233, 1235, 1236, 1259, 1276, 1305, 1311, 1313 and 1315) involving eight sites for various temporary warehouse and/or open storage uses within/straddling the subject “R(C)” zone in the past five years. All ten applications were approved with conditions each for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board 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 implementation of approval conditions. 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 vacant and partly occupied by open storage of miscellaneous items 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, parking of vehicles, shops, plant nursery, unused land 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

All government 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.

10. Public Comment Received During the Statutory Publication Period

On 20.6.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse and open storage of construction machinery and construction materials for a period of three years at the Site zoned “R(C)” on the OZP. While the proposed uses are not in line with the planning intention of “R(C)” zone, there is no known development programme or proposal for residential development at the Site. The Site also falls within the possible expansion area 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, parking of vehicles, shops, plant nursery, unused land and vacant land/structures (**Plans A-2 and A-3**). The proposed uses are generally not incompatible with the surrounding land uses.

- 11.3 Concerned government departments consulted, including the Commissioner for Transport (C for T), Director of Environmental Protection (DEP), Director of Fire Services 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 on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise potential environmental nuisance on the surrounding areas and to keep the Site clean and tidy at all times.
- 11.4 There was one previous application (No. A/YL-TYST/28) for temporary open storage use rejected by the Board upon review in 1998 mainly on the considerations stated in paragraph 5.2 above. The circumstances of the current application are different in that the site of application No. A/YL-TYST/28 was zoned “GB” at the time of consideration and relevant departments including C for T, DEP and CE/MN, DSD have no objection to or no adverse comment on the current application. Given that ten 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.

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 1.8.2028. 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 1.2.2026;
- (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 1.5.2026;
- (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 1.2.2026;
- (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 1.5.2026;

- (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 proposed uses are 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 13.6.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Drainage Plan
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
AUGUST 2025**