

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

APPLICATION NO. A/YL-TYST/1322

<u>Applicant</u>	:	Mr. TANG Mo Pun represented by Metro Planning and Development Company Limited
<u>Site</u>	:	Lots 1229 (Part), 1237 (Part), 1238 (Part) and 1252 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
<u>Site Area</u>	:	860 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>	:	“Undetermined” (“U”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Warehouse for Storage of Construction Material with Ancillary 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 material with ancillary 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/1171 until 18.10.2025 (**Plans A-1b to A-4b**).
- 1.2 The Site with the ingress/egress at the southwestern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, the temporary warehouse is for storage of construction materials (including tiles and sanitary ware in carton). Three structures, including two single-storey structures and a two-storey structure (not exceeding 6.5m in height) with a total floor area of about 536m² are provided for warehouses, rain shelters, office and toilet uses. One loading/unloading (L/UL) space for light goods vehicle (LGV) is provided. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container

tractors/trailers, will be allowed to enter the Site. No repairing, dismantling, cleaning or other workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, as-built drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in five previous applications (No. A/YL-TYST/491, 645, 806, 982 and 1171) for similar temporary warehouse use with/without open storage 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/1171), 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 860 m ²
Total Floor Area (Non-domestic)	About 536 m ²
No. and Height of Structures	3 • for warehouses, rain shelter, office and toilet (6.5m, 1 – 2 storey(s))
No. of Parking Space	Nil
No. of L/UL Space	1 (for LGV) (7m x 3.5m)
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 the following documents:
- (a) Application Form with attachments received on 26.6.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 11.7.2025 (**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 Site is the subject of five previous planning permissions for similar temporary warehouse use and all the approval conditions of the last planning application (No. A/YL-TYST/1171) have been complied with;
- (b) the applied 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 temporary use under application would not jeopardise the long-term planning intention of the 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 use is compatible with the surrounding environment. Besides, there is a shortage of land for open storage use in TYST area; and
- (e) there will be minimal traffic, environmental, noise and drainage 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 by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

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, in whole or in part, involved in six previous applications, including five applications (No. A/YL-TYST/491, 645, 806, 982 and 1171) for similar temporary warehouse use with/without open storage use. The remaining application (No. A/YL-TYST/290) was 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 boundaries of the sites are shown on **Plan A-1b**.
- 6.2 Applications No. A/YL-TYST/491, 645, 806, 982 and 1171 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 implementation of approval conditions. All the time-limited approval conditions of the last application (No. A/YL-TYST/1171) have been complied with and the planning permission is valid until 18.10.2025.

7. Similar Applications

- 7.1 A total of 84 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 84 similar applications, 83 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, 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

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 IV and V** respectively.

11. Public Comment Received During the Statutory Publication Period

On 4.7.2025, 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 material with ancillary 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 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 “Other Specified Uses (Mixed Use)” 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.
- 12.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, 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 there is no change in planning circumstances, 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 considerations 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 Environmental Protection, 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 environmental, fire safety and drainage aspects respectively. Relevant approval conditions are recommended in paragraph 13.2 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 relevant environmental mitigation measures in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise possible environmental nuisance on the surrounding areas.
- 12.5 Given that five previous approvals for similar temporary warehouse with/without open storage use have been granted to the Site from 2010 to 2022 and 83 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 19.10.2025 to 18.10.2028. 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 19.1.2026;
- (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 There is no strong reason to recommend rejection of the application.

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 applicant.

15. Attachments

Appendix I	Application Form with attachments received on 26.6.2025
Appendix Ia	FI received on 11.7.2025
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-built Drainage Plan
Drawing A-4	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
AUGUST 2025**