

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/695

- Applicant** : Surplus Success Engineering Limited (成利工程有限公司)
- Site** : Various Lots in D.D. 118 and adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : 25,534 m² (about) (including GL of about 2,670 m² or 10.46%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Open Storage with Ancillary Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage with ancillary vehicle repair workshop for a period of three years and associated filling of land at the application site (the Site) zoned “AGR” 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). According to the Notes of the OZP for the “AGR” zone, filling of land also requires planning permission from the Board. The Site is occupied by the applied use without valid planning permission (**Plan A-4**).
- 1.2 According to the applicant, the Site was covered by a previously approved application (No. A/YL-TT/583) for the same use submitted by the same applicant in 2023 to facilitate the relocation of open storage with ancillary vehicle repair workshop operations previously based in Tong Yan San Tsuen (TYST) which are affected by the land resumption and clearance exercises under the first and second phases of Yuen Long South (YLS) Development. The Site (about 25,534 m²) is in a comparable size to its previous business operations in TYST (about 30,450 m²), and it is the most suitable site for relocation of the affected business operations.
- 1.3 The Site is accessible from Tai Shu Ha Road West with two ingress/egress points at the west (**Drawing A-1** and **Plan A-2**). According to the applicant, the proposal

consists of 51 one to two-storeys structures (3m to 11m in height) for storage, workshops, packing activities, site offices, meter rooms, water tanks and toilets with a total floor area of not more than 5,006.5 m². The remaining area of about 21,264 m² (83.28%) is mainly for open storage and manoeuvring purposes. The applicant also proposes to regularise the land filling of the entire site (i.e. 25,534 m² with concrete in depth of about 0.2m) which has already undertaken at the Site¹ (**Drawing A-3**). No storage of dangerous goods would be carried out on the Site. Vehicles are only allowed to enter/leave the Site in off-peak hours from 10:00 a.m. to 12:30 p.m.. To mitigate potential landscape impacts, the applicant proposes to retain all 33 existing trees within the Site and to plant 33 new trees at the Site (**Drawing A-4**). Plans showing the site layout out with vehicular access, drainage, fire services installations (FSIs) and landscape proposals submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.4 The Site was involved in 12 previous applications covering different extents of the Site, of which six applications (No. A/YL-TT/50, 186, 323, 339, 346 and 583) were for temporary vehicle repair workshop and/or open storage uses relevant to the current application (details at paragraph 5 below). Compared with the last approved application No. A/YL-TT/583, the current application is submitted by the same applicant for the same use with associated filling of land with a smaller site area and different parameters and site layout. A comparison of major development parameters of the last application to the current application is as follows:

Major Development Parameters	Last Approved Application (A/YL-TT/583) (a)	Current Application (A/YL-TT/695) (b)	Difference (b) – (a)
Applied Use	Proposed/Applied Temporary Open Storage with Ancillary Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land		Same Use
Site Area	about 29,200 m ²	about 25,534 m ²	-3,666 m ² (-13%)
Extent of Filling of Land	about 29,200 m ² (i.e. regularisation for the whole site in depth of filling not more than 0.2m with concrete)	about 25,534 m ² (i.e. regularisation for the whole site in depth of filling not more than 0.2m with concrete)	No change; for the whole site area
Total Floor Area	not more than 7,165 m ²	not more than 5,006.5 m ²	- 2,158.5 m ² (-30%)
No. of Structures	41 (for storage, workshop, packing activities, site offices, meter	51 (for storage, workshop, packing activities, site offices, meter	+ 10 (+24%)

¹ Excluding the areas for retaining all existing trees and planting new trees at the Site.

	rooms, water tanks and toilets)	rooms, water tanks and toilets)	
Height of Structures	2 - 11 m (1- 2 storeys)	3 -11 m (1-2 storey)	-
No. of Parking Spaces	5 for private cars (5 m x 2.5 m each)		No change
No. of Loading/Unloading Spaces	20 - 19 for heavy goods vehicles (11 m x 3.5 m) - 1 for container vehicle (16 m x 3.5 m)		No change
Operation Hours	8:00 a.m. to 6:00 p.m. Mondays to Saturdays (No operation on Sundays and Public Holidays)		No change

1.5 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 14.1.2025 (**Appendix I**)
- (b) Further Information (FI) received on 22.4.2025 (**Appendix Ia**)
*[accepted but not exempted from publication and
recounting requirements]*
- (c) FI received on 14.7.2025* (**Appendix Ib**)
- (d) FI received on 19.8.2025* (**Appendix Ic**)
*[*accepted and exempted from publication and recounting
requirements]*

1.6 On 14.3.2025 and 20.6.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months each as requested by the applicant.

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 at **Appendices I to Ic**. They can be summarised as follows:

- (a) the applicant has spent efforts on identifying the Site for relocating the affected business operations in TYST;
- (b) the Site was covered by a previously approved application (No. A/YL-TT/583) for the same use submitted by the same applicant in 2023. However, due to the delay in the processing of Short Term Waiver (STW), the planning permission was revoked in December 2024 due to non-compliance with the time-limited conditions. Due to the modifications of site boundary and site layout, a fresh application is submitted to continue the operation displaced by the YLS Development;

- (c) successful relocation to the Site would help sustain the business operations which have been operating 20 years, supporting major infrastructure works in Hong Kong and safeguarding the livelihood of the workers;
- (d) an all-day road access will be provided to Lot 1304 in D.D. 118 and the nearby areas;
- (e) the application is temporary in nature and approval of the application would not frustrate the long term planning intention of the “AGR” zone; and
- (f) the Site will be properly managed and no adverse drainage, landscape, traffic, environmental impacts and fire safety concerns arisen from the applied use are anticipated.

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 publishing notices in local newspapers and sending the notice to the Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under the TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

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) are relevant to the application. The Site falls mainly within Category 2 areas (i.e. about 24,481 m² or 96% of the Site) and with a minor portion within Category 3 areas (i.e. about 1,102 m² or about 4% of the Site) under TPB PG-No. 13G (**Plan A-5**). Relevant extract of the Guidelines is at **Appendix II**.

5. Background

The Site is currently not subject to any planning enforcement action.

6. Previous Applications

- 6.1 There are 12 previous applications covering different extents of the Site, of which six (No. A/YL-TT/50, 186, 323, 339, 346 and 583) were for temporary open storage uses and relevant to the current applications. Considerations of the remaining six previous applications (No. A/YL-TT/38, 75, 94, 106, 141 and 202) are not relevant to the current application which involves different uses. Details of these previous applications are summarised in **Appendix III** and their locations are shown on **Plan A-1b**.

Rejected Applications

- 6.2 Applications No. A/YL-TT/50, 186, 323, 339 and 346 for temporary open storage of construction materials for a period of one or three years were rejected by the Committee/by the Board on review between 1999 and 2015 mainly on the grounds that there were no strong planning justifications for a departure from the planning intention; the proposed use was not in compliance with the then TPB PG-No. 13D or 13E² and not compatible with the surrounding areas; there were potential environmental impacts to the surrounding areas; and setting an undesirable precedent.

Approved Application

- 6.3 Application No. A/YL-TT/583 for proposed temporary open storage and vehicle repair workshop for a period of three years, which was submitted by the same applicant of the current application, was approved with conditions by the Committee in 23.6.2023, mainly on the considerations that the application had policy support from the Development Bureau (DEVB); generally complied with TPB PG-No. 13G in that no major adverse departmental comments; and the technical concerns of relevant government departments could be addressed by implementation of approval conditions. However, the planning permission was subsequently revoked in 2024 due to non-compliance with time-limited approval conditions related to submission and implementation of drainage impact assessment and FSIs proposals.

7. Similar Applications

- 7.1 There are four similar applications (No. A/YL-TT/590, 617, 642 and 675) for proposed temporary open storage and workshop/warehouse/public vehicle park with associated filling of land for a period of three years within the same “AGR” zone in the past five years. Details of the similar applications are summarised in **Appendix III** and their locations are shown on **Plan A-1a**.

Rejected application

- 7.2 Application No. A/YL-TT/590 for proposed temporary public vehicle park and open storage of agricultural and construction machinery and materials for a period of three years with associated filling of land was rejected by the Committee in 2023 mainly on the grounds that there were no strong planning justifications to support a departure from the planning intention; the proposed open storage use was not in line with TPB PG-No. 13G³ in that no previous approval had been granted and there were adverse departmental comments; and the applicant failed to demonstrate that the land filling was essential for the proposed use.

Approved applications

- 7.3 Application Nos. A/YL-TT/617, 642 and 675 for temporary open storage and workshop/warehouse for a period of three years and associated filling of land

² Applications No. A/YL-TT/50, 183, 323, 339 and 346 fall within Category 3 areas under the then TPB PG-No. 13D or 13E.

³ Application No. A/YL-TT/590 falls within Category 3 areas under TPB PG-No. 13G.

within the same “AGR” zone were approved with conditions by the Committee between 2023 and 2024 mainly on similar considerations as those mentioned in paragraph 6.3 above; and applications No. A/YL-TT/617 and 675 had policy support from DEVB.

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

8.1 The Site is:

- (a) currently occupied by the applied use without valid planning permission; and
- (b) accessible from Tai Shu Ha Road West.

8.2 The surrounding areas are rural in character comprising predominantly open storage/storage yards and warehouses in areas zoned “Open Storage” to its immediate north and intermixed with temporary structures, residential dwellings, farmland and vacant/unused land.

9. Planning Intention

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the subject “AGR” zone.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau and department as set out in paragraph 10.2 and 10.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the current application is to facilitate relocation of various business operations in Yuen Long, which has been affected by the first and second phases of YLS Development. According to the applicant, a site research has been conducted with a view to identifying suitable site for re-establishment of the affected business operations to pave way for the clearance under the YLS Development, and the Site is

considered the most suitable. The Site is not larger than the total operation area of the affected business by the Government; and

- (b) in view of the above and subject to no adverse comment on land use compatibility and technical aspects from relevant departments, the application is supported from the policy perspective.

10.3 The following government departments have adverse comment on/objection to the application:

Land Administration

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

- (a) his office has adverse comment on the application;
- (b) the Site comprises GL and various 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) his office has reservation on the application since there is/are unauthorized structure(s) and/or uses on Lots 1307 and 1430 in D.D. 118 which is 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) if the planning application is approved, the lot owner(s) shall apply to LandsD for a STW and Short Term Tenancy (STT) to permit the structure(s) erected with the said private lots and the occupation of the GL. The application(s) for STW and STT will be considered by LandsD in its capacity as a landlord and there is no guarantee that such application(s) will be approved. The STW and STT, if approved, will be subject to such terms and conditions, including the payment of waiver fee, rent and administrative fee, as considered appropriate by LandsD. Besides, given the applied use are temporary in nature, only erection of temporary structure(s) will be considered.

Agriculture

10.3.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” zone and is with some sundries and structures. There are active agricultural activities in the vicinity and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective; and

- (b) no comment from nature conservation point of view.

Environment

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

- (a) he does not support the application as there are residential uses in the vicinity and the applied use will cause traffic of heavy vehicles and environmental nuisance is expected;
- (b) however, there was 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 the Recommended Advisory Clauses in **Appendix IV**.

11. Public Comments Received During the Statutory Publication Periods

On 21.1.2025 and 29.4.2025, the application and relevant FI were published for public inspection. During the statutory publication periods, three public comments were received from an individual who submitted two comments and one from Kadoorie Farm & Botanic Garden Corporation respectively (**Appendix VII**). Both comments object to the application mainly on the grounds that (i) the approval conditions of the previous planning permission were not complied with; (ii) land filling of such a large site might have impact on the local environment; (iii) the Site is close to the Agricultural Priority Area; and (iv) the applied use is not in line with the planning intention of the “AGR” zone.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage with ancillary vehicle repair workshop for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation. Nevertheless, according to the applicant, the application is to facilitate the relocation of business operation affected by the first and second phases of YLS Development. The Site (i.e. about 25,534 m²) is in a comparable size of its previously affected business operation in TYST (i.e. about 30,450 m²), and the Site is most suitable site for relocation after a thorough site search process. To facilitate relocation of the business operation affected by the YLS Development and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from the policy perspective. Taking into account the above and the planning assessments below, it is considered that sympathetic consideration may be given to the application on a temporary basis of three years.
- 12.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application from drainage perspective and DEP has no adverse comment on the filling of land from

environment perspective. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.3 The applied use is considered not incompatible with the surrounding areas comprising predominantly open storage/storage yards and warehouses in areas zoned “Open Storage” to its immediate north intermixed with temporary structures, farmland and vacant/unused land (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective.
- 12.4 While DEP does not support the application as there are residential uses in the vicinity (with the nearest one located to its immediate east) and the applied use will cause traffic of heavy vehicles and environmental nuisance is expected, no environmental complaint concerning the Site received in the past three years. Should the application be approved, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments, and 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 nuisances on the surrounding areas.
- 12.5 The Site falls mainly within Category 2 areas (about 96% of the Site) and with a minor portion within Category 3 areas (about 4% of the Site) under the TPB PG-No. 13G (**Plan A-5**). Except for DEP and DAFC as mentioned above, other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services (D of FS) have no objection to/no adverse comment on the application from traffic and fire safety aspects respectively. Regarding DLO/YL, LandsD’s concern on the unauthorized structure(s) and/or uses on the private lot within the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 12.6 The Committee has approved a previous application (No. A/YL-TT/583) for the same use at the Site in 2023. However, the planning permission was subsequently revoked in 2024 due to non-compliance with time-limited approval conditions related to submission and implementation of drainage impact assessment and FSIs proposals. The current application is submitted by the same applicant with a different layout as compared with the last application. Regarding the non-compliance of the previous approval conditions, the applicant explains that due to changes in site boundary and layout, a new planning application is required. In the support of current application, the applicant has submitted drainage and FSI proposals and there is no in-principle objection to the application by CE/MN, DSD and D of FS. In view of the above, sympathetic consideration may be given to the applicant. Should the application be approved, the applicant will be advised that failure to comply with any of the approval conditions will result in revocation of the planning permission and sympathetic consideration may not be given to any further applications.
- 12.7 Although five previous applications and one similar application were rejected between 1999 and 2015 and in 2023 respectively as detailed in paragraphs 6.2 and 7.2 above, the planning circumstances of the current application are different in

that the Site involves mainly Category 2 areas, previous approval has been granted and policy support is given by SEDV. In addition, three similar applications at the same “AGR” zone were approved by the Committee in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.

- 12.8 There are three public comments received during the statutory publication periods as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.7 above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department 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 until 5.9.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a Drainage Impact Assessment (DIA) report with the 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 5.3.2026;
- (b) in relation to (a) above, the implementation of the drainage facilities as proposed in the DIA report 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 5.6.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 17.10.2025;
- (e) 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 5.3.2026;
- (f) in relation to (e) 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 5.6.2026;
- (g) 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;

- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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; and
- (i) upon expiry of the planning permission, the reinstatement of the site, including the removal of fill materials and hard paving and grassing of the site to the satisfaction of the Director of Planning or of the Town Planning Board.

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 applied use with associated filling of land is not in line with the planning intention of the "Agriculture" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 14.1.2025
Appendix Ia	FI received on 22.4.2025
Appendix Ib	FI received on 14.7.2025
Appendix Ic	FI received on 19.8.2025
Appendix II	Relevant Extract of TPB PG-No.13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VII	Public Comments

Drawing A-1	Site Layout Plan with Vehicular Access
Drawing A-2	Drainage Proposal
Drawing A-3	FSIs Proposal
Drawing A-4	Landscape Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a to 4c	Site Photos
Plan A-5	Areas fall within TPB PG-No.13G

**PLANNING DEPARTMENT
SEPTEMBER 2025**