

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1300**

- Applicant** : Mr. CHEUNG Fook Wo represented by Metro Planning & Development Company Limited
- Site** : Lot 1022 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
- Site Area** : 819 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse for Storage of Exhibition Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of exhibition materials 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 without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Kung Um Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, three single-storey structures (not exceeding 6.5m in height) with a total floor area of about 550m<sup>2</sup> are provided for storage of exhibition materials (including booths, desk and decoration). 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, drainage proposal 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 two previous applications (No. A/YL-TYST/1057 and 1159) for temporary storage/warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 and 2022 respectively (details at paragraph 5 below). Compared with the last application (No. A/YL-TYST/1159), the current application is submitted by the same applicant at the same site with the same layout and development parameters. The major development parameters are summarised as follows:

Site Area	About 819 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 550 m <sup>2</sup>
No. and Height of Structures	3 • for warehouses (6.5m, 1 storey)
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 3.1.2025 (Appendix I)
  - (b) Further Information (FI) received on 25.4.2025\* (Appendix Ia)
  - (c) FI received on 23.7.2025\* (Appendix Ib)
- \* *accepted and exempted from publication and recounting requirements*

- 1.5 On 28.2.2025 and 20.6.2025, the Committee agreed to defer making a decision on the application each for two months 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 FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site is the subject of two previous planning permissions for similar use. However, the planning permission under previous application No. A/YL-TYST/1159 was revoked due to non-compliance with time-limited approval condition on the implementation of drainage proposal. The applicant has rectified the drainage facilities at the Site and a fresh application is submitted;
- (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 “U” zone;
- (d) a number of open storage and warehouse uses with similar planning circumstances have been approved by the Board in the vicinity of the Site. The applied use is not

incompatible with the surrounding environment. Besides, there is a shortage of land for port back-up use in TYST area; and

- (e) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied use. The implementation of drainage facilities have been completed at the Site. All the stored items will be housed within an enclosed structure and no operation will be held during sensitive hours.

### **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. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Background**

The storage use at the Site is a suspected unauthorized development which would be subject to planning enforcement action.

### **5. Previous Applications**

- 5.1 The Site was, in whole or in part, involved in five previous applications, including two applications (No. A/YL-TYST/1057 and 1159) for temporary storage/warehouse uses. The remaining three applications (No. A/YL-TYST/561, 592 and 640) were for temporary open storage use and their considerations are not relevant to the current application which involves a different use. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.
- 5.2 Applications No. A/YL-TYST/1057 and 1159, which were submitted by the same applicant of the current application, were approved with conditions each for a period of three years by the Committee in 2020 and 2022 respectively mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the application 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. However, both planning permissions were subsequently revoked in 2022 and 2024 due to non-compliance with time-limited approval conditions regarding the implementation of drainage and/or FSIs proposals.

### **6. Similar Applications**

- 6.1 A total of 85 similar planning applications for various temporary warehouse uses with/without other uses within/straddling the subject “U” zone had been considered by the Committee in the past five years. Details of these similar applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.

- 6.2 Out of the 85 similar applications, 84 were approved by the Committee between 2020 and 2025 mainly on similar considerations as those mentioned in paragraph 5.2 above.
- 6.3 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.

## **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) paved, fenced off and currently 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, car servicing, a vehicle repair workshop, unused land and vacant land/structures (**Plans A-2 and A-3**).

## **8. Planning Intention**

- 8.1 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.
- 8.2 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.

## **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 10.1.2025, 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 temporary warehouse for storage of exhibition materials 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. Under the Revised Recommended Outline Development Plan of YLS Development, part of the Site falls within an area zoned “District Open Space” 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 or no adverse comment on 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 area comprises predominantly warehouses and open storage/storage yards with scattered residential structures, car servicing, a vehicle repair workshop, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.
- 11.3 Other concerned government departments, including the 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 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 possible environmental nuisance on the surrounding areas.
- 11.4 The Site was involved in two previous applications (No. A/YL-TYST/1057 and 1159) for temporary storage/warehouse use submitted by the same applicant, which were approved with conditions each for a period of three years by the Committee in 2020 and 2022 respectively. However, the planning permissions were subsequently revoked in 2022 and 2024 respectively due to non-compliance with time-limited approval conditions related to the implementation of drainage and/or FSIs proposals. Nevertheless, the applicant has submitted drainage and FSIs proposals in support of the current application (**Drawings A-3 and A-4**) which are considered acceptable by CE/MN, DSD and D of FS respectively. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should he 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.
- 11.5 A total of 84 similar applications within/straddling the subject “U” zone had been approved by the Committee in the past five years. While there was one similar application in the subject “U” zone rejected on the grounds that approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses, sympathetic consideration may be given to the current application for the reasons stated in paragraph 11.4

above. 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 19.9.2028. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the implementation of the accepted 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 19.6.2026;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 19.6.2026;
- (d) if the above planning condition (b) 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
- (e) if any of the above planning condition (a) or (c) 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 There is no strong reason to recommend rejection of the application.

## **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**

<b>Appendix I</b>	Application Form with attachments received on 3.1.2025
<b>Appendix Ia</b>	FI received on 25.4.2025
<b>Appendix Ib</b>	FI received on 23.7.2025
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Proposed Drainage Plan
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**