

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1338

<u>Applicant</u>	:	Merito Technical Services Limited represented by PlanPlus Consultancy Limited
<u>Site</u>	:	Lot 1945 RP in D.D. 121 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	1,014.7 m ² (about) (including GL of about 242.67 m ² (23.9%))
<u>Lease</u>	:	New Grant Lot restricted for private residential purpose only
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zonings</u>	:	“Industrial” (“I”) (about 97.3%); and <i>[Restricted to a maximum plot ratio of 3 and a maximum building height (BH) of 4 storeys (15m)]</i> “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) (about 2.7%) ¹
<u>Application</u>	:	Proposed Temporary Industrial Use (Manufacturing, Store and Use of Inert Gases and Fire Suppression Agents, Servicing and Filling of Fire Extinguishers and Compressed Gas Cylinders with Inert Gases and Fire Suppression Agents and Hydraulic Pressure Testing) and Dangerous Goods (DG) Godown (Storage of Idle Fire Extinguishers and Gas Cylinders) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary industrial use (manufacturing, store and use of inert gases and fire suppression agents, servicing and filling of fire extinguishers and compressed gas cylinders with inert gases and fire suppression agents and hydraulic pressure testing) and DG godown (storage of idle fire extinguishers and gas cylinders) for a period of three years at the application site (the Site) zoned “I” on the OZP (**Plan A-1a**). According to the

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP and the planning assessment would not take this into account.

Notes of the OZP for the “I” zone, while ‘Industrial Use (not elsewhere specified)’ is always permitted, ‘Dangerous Goods Godown’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off, partly occupied by the proposed uses with valid planning permission under application No. A/YL-TYST/1223 until 28.7.2026 and partly vacant (**Plans A-2 to A-4**).

- 1.2 The Site with the ingress/egress at the northeastern part is accessible from Tong Yan San Tsuen Road (**Plans A-2 and A-3**). According to the applicant, the current proposal consists of an existing one-storey building² (not exceeding 7.6m in height) in the eastern part of the Site and a new three-storey extension building (not exceeding 17.5m in height) with a total floor area of about 1,133.27m² for DG manufacturing, godown and other ancillary uses. The proposed industrial use is for servicing and filling of fire extinguishers and compressed gas cylinders with inert gases and fire suppression agents, as well as hydraulic pressure testing of the pressurised fire extinguishers and cylinders. The idle fire extinguishers and gas cylinders would be stored at the DG godown within the Site. There will be no more than 6 staff members within the Site during operation hours. The applicant also proposes to set back 2.5m from the southern boundary of the Site and provide a 2.2m-tall fencing along the boundary of the Site. The floor plans, sectional plans, elevations and drainage proposal submitted by the applicant are at **Drawings A-1 to A-9** respectively.
- 1.3 According to the applicant, the current application is to facilitate the relocation of its existing operations (at Lots 1092 S.B ss.7 RP, 1105 RP and 2008 S.M RP in D.D. 121) affected by the land resumption and clearance exercise under the First and Second Phase Development of the Yuen Long South New Development Area (YLS NDA). While part of the applicant’s business has already been relocated to the existing building on the Site under a previous application (No. A/YL-TYST/1223), a new extension building is proposed under the current application for the applicant to continue the affected operation. The area of the current application (i.e. about 1,014.7m²) is of similar size as the affected operations (i.e. about 1,504.4m²).
- 1.4 The Site was involved in three previous applications (No. A/YL-TYST/750, 1117 and 1223) for similar industrial and DG godown uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2016 and 2023 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1223), the current application is submitted by the same applicant at a larger site with different 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/1223 (a)	Current Application No. A/YL-TYST/1338 (b)	Difference (b)-(a)
Proposed/Applied Use(s)	Temporary Industrial Use (Manufacturing of Inert Gases and Fire	Proposed Temporary Industrial Use (Manufacturing, Store	Change in operation under

² According to the Fire Services Department (FSD), three DG Storage and Use Licences and one DG Manufacture Licence were issued to the existing building on 21.7.2025.

	Suppression Agents, Servicing and Filling of Fire Extinguishers and Compressed Gas Cylinders with Inert Gases and Fire Suppression Agents and Hydraulic Pressure Testing) and DG Godown (Storage of Inert Gases and Fire Suppression Agents) for a Period of 3 Years	and Use of Inert Gases and Fire Suppression Agents, Servicing and Filling of Fire Extinguishers and Compressed Gas Cylinders with Inert Gases and Fire Suppression Agents and Hydraulic Pressure Testing) and DG Godown (Storage of Idle Fire Extinguishers and Gas Cylinders) for a Period of 3 Years	industrial use and change in storage items within the DG Godown
Site Area	About 772 m ²	About 1,014.7 m ²	+242.7m ² (+31.4%)
Total Floor Area (Non-domestic)	About 160 m ²	About 1,133.27 m ²	+973.27m ² (+608.3%)
No. and Height of Structure(s)	1 • for DG manufacturing and godown (7.6m, 1 storey)	2 • for DG manufacturing and godown, ancillary workshops and toilets (7.6 – 17.5m, 1 – 2 storey(s))	+1 (+9.9m/ 1 storey)
No. of Parking Space(s)	Nil	2 (for private cars) (5m x 2.5m each) 1 (for motorcycle) (2.4m x 1m)	+3
No. of Loading/ Unloading Space	1 (for light goods vehicle) (7m x 3.5m)	1 (for heavy goods vehicle) (11m x 3.5m)	Change in vehicle type
Operation Hours	8:00 a.m. to 8:00 p.m., with no operation on Sundays and Public Holidays		---

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

- (a) Application Form received on 30.9.2025 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) **(Appendix Ia)**
- (c) Further Information (FI) received on 10.11.2025 * **(Appendix Ib)**
- (d) FI received on 17.11.2025 * **(Appendix Ic)**

** 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 SPS and FIs (**Appendices Ia to Ic**). They can be summarised as follows:

- (a) the Site was the subject of three previous planning permissions for similar industrial and DG godown uses. The existing building on the Site was implemented under the last approved application No. A/YL-TYST/1223 and all time-limited approval conditions had been complied with. Approval of the proposed uses is in line with the previous decisions of the Board;
- (b) as the GL portion of the Site has been left idle for years, utilising this GL for parking and vehicle manoeuvring space could optimise use of land resources;
- (c) due to operation needs to accommodate the DG manufacturing plant, vehicular circulation and EVA for fire engines, sufficient floor-to-floor heights are required and the proposed BH of about 17.5m for the new extension building is well justified;
- (d) the proposed uses are in line with the planning intention of the “I” zone and the development is not incompatible with the surrounding environment;
- (e) the applicant pledges to submit short term waiver (STW) and short term tenancy (STT) applications upon approval of the current planning application and to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”); and
- (f) there will be no adverse traffic, environmental and drainage impacts arising from the proposed uses. The potential impacts of the proposed uses on the two liquefied petroleum gas (LPG) and petrol stations along Tong Yan San Tsuen Road have been reviewed and the risk levels are negligible.

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 obtaining consent of the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPG PG-No. 31B are not applicable.

4. Background

The Site is currently not subject to planning enforcement action.

5. Previous Applications

Majority of the Site was involved in three previous applications (No. A/YL-TYST/750, 1117 and 1223) for similar industrial and DG godown uses. All the applications were approved with conditions by the Committee between 2016 to 2023 on a permanent basis

(for application No. A/YL-TYST/750)³ or for a period of three years (for applications No. A/YL-TYST/1117 and 1223) mainly on the considerations that the development was not in conflict with the planning intention of the “I” zone; the proposal was not incompatible with the surrounding areas; and the concerns of relevant government departments could be addressed by implementation of approval conditions. All the time-limited approval conditions for the last application (No. A/YL-TYST/1223) have been complied with and the planning permission is valid until 28.7.2026. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

6. Similar Application

There is no similar application within the subject “I” zone in the past five years.

7. The Site and Its Surrounding Areas (Plans A-1a to A-4b)

7.1 The Site is:

- (a) accessible from Tong Yan San Tsuen Road (**Plans A-2 and A-3**); and
- (b) currently paved, fenced-off, partly occupied by the proposed uses with valid planning permission under application No. A/YL-TYST/1223 and partly vacant (**Plans A-2 to A-4b**).

7.2 The surrounding areas comprise predominantly industrial operations, open storage yards, warehouses, a workshop and car park within the subject “I” zone. To the immediate north of the Site is a petrol filling station (PFS) and Tong Yan San Tsuen Playground within the adjoining “OU(PFS)” and “Open Space” (“O”) zones. To the east of the Site across the Tong Yan San Tsuen Road is a mixture of low-rise residential developments, car parks, warehouses, a social welfare facility, restaurant and another PFS within the adjoining “Residential (Group B) 1” (“R(B)1”) zone (**Plans A-2 and A-3**).

8. Planning Intention

The planning intention of the “I” zone is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. Information technology and telecommunications industries, office related to industrial use, and selected uses akin to industrial production and would not compromise building and fire safety are also always permitted in this zone.

³ The development scheme permitted under application No. A/YL-TYST/750 had not commenced by 4.3.2024, and the permission lapsed on the same date. Compared with the application No. A/YL-TYST/750, the current application is submitted by a different applicant with different development parameters and site layout.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau 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 bureau supports the application:

Policy Aspect

Comments of the Secretary for Development (SDEV):

- (a) according to the applicant, the application is to facilitate the relocation of a business operation located at Lots 1092 S.B ss.7 RP, 1105 RP and 2008 S.M RP in D.D. 121 which are affected by the First and Second Phase Development of the YLS NDA. The Site is considered the most suitable for the relocation. Its area is not larger than the total site area of the original premises; and
- (b) subject to no adverse comments on land use compatibility and technical aspects from relevant departments, the application is supported from the policy perspective.

10. Public Comment Received During the Statutory Publication Period

On 14.10.2025, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual raising concerns that there will be a significant increase in population within the surrounding areas in the near future and the application should not be approved if the applicant failed to comply with the approval conditions under previous application No. A/YL-TYST/1223 (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary industrial use (manufacturing, store and use of inert gases and fire suppression agents, servicing and filling of fire extinguishers and compressed gas cylinders with inert gases and fire suppression agents and hydraulic pressure testing) and DG godown (storage of idle fire extinguishers and gas cylinders) for a period of three years at the Site zoned “I” on the OZP. The main uses and operations of the proposal are always permitted in the “I” zone except that the DG godown for storing idle fire extinguishers and gas cylinders in support of the main uses and operations requires planning permission from the Board. The current application is generally in line with the planning intention of the “I” zone which is intended for general industrial uses.

11.2 According to the applicant, the application is to facilitate relocation of its business operation affected by the First and Second Phase Development of the YLS NDA. The applicant has conducted a site search before identifying the Site as the most suitable relocation site. The size of the Site (i.e. about 1,014.7 m²) is comparable to the affected operations (i.e. about 1,504.4 m²). To facilitate smooth clearance

for the YLS NDA and provide operating space for displaced operations still needed by the community, SDEV supports the application from policy perspective.

- 11.3 The surrounding areas comprise predominantly industrial operations, open storage yards, warehouses, a workshop and car park within the subject “I” zone, a PFS and Tong Yan San Tsuen Playground within the adjoining “OU(PFS)” and “O” zones, and a mixture of low-rise residential developments, car parks, warehouses, a social welfare facility, restaurant and another PFS across Tong Yan San Tsuen Road within the adjoining “R(B)1” zone to the east (**Plans A-2 and A-3**). Although there are residential developments/structures in the “R(B)1” zone, the proposed uses are generally not incompatible with the surrounding land uses.
- 11.4 Concerned government departments consulted, including the Commissioner for Transport, 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 traffic, environmental, fire safety and drainage aspects respectively. Regarding the potential safety risks associated with the DG godown, the applicant has conducted a hazard review (**Appendix Ia**) and the Director of Electrical and Mechanical Services has no adverse comment on the current application. 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 submit a formal application for DG Licence to FSD and to follow the latest “Code of Practice” to minimise any potential fire risk and environmental impact on the surrounding areas respectively.
- 11.5 Given that three previous approvals for similar industrial and DG godown uses have been granted to the Site between 2016 to 2023, approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant and all time-limited approval conditions for the last application (No. A/YL-TYST/1223) have been complied with.

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, 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 21.11.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 21.5.2026;

- (b) in relation to (a) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 21.8.2026;
- (c) 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 21.5.2026;
- (d) in relation to (c) 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 21.8.2026;
- (e) in relation to (d) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (f) 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 21.5.2026;
- (g) in relation to (f) 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 21.8.2026;
- (h) if the above planning condition (e) 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
- (i) if any of the above planning condition (a), (b), (c), (d), (f) or (g) 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

Appendix I	Application Form received on 30.9.2025
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 10.11.2025
Appendix Ic	FI received on 17.11.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawings A-1 to A-4	Floor Plans
Drawings A-5 and A-6	Sectional Plans
Drawings A-7 and A-8	Elevation Plans
Drawing A-9	Drainage Proposal
Plan A-1a	Location Plan
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
NOVEMBER 2025**