

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1339

- Applicant** : Mr. CHEUNG Fook Wo represented by Metro Planning and Development Company Limited
- Site** : Lots 835 S.A, 835 S.B (Part), 836 (Part) and 837 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
- Site Area** : 2,700 m² (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** : Proposed Temporary Warehouse (Non-dangerous Goods) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (non-dangerous goods) 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 structures for a vehicle repair workshop and storage use without valid planning permission. (**Plans A-2 to A-4b**).
- 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 warehouse is for storage of electronic goods, vehicle parts, food provisions and non-dangerous goods. 11 single-storey structures (not exceeding 3m to 8.5m in height) with a total floor area of about 1,916m² are provided for warehouses, guard rooms, electricity meter room and toilet uses. No repairing, dismantling, cleaning or other workshop activities will be carried out at the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to access the Site. Plans showing the vehicular access leading to the Site, site layout, proposed 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 a previous application (No. A/YL-TYST/1202) for temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board on 17.3.2023 (details at paragraph 5 below). Compared with the last approved application, the current application is submitted by the same applicant for similar use at a slightly 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/1202 (a)	Current Application No. A/YL-TYST/1339 (b)	Difference (b)-(a)
Proposed Use(s)	Proposed Temporary Warehouse for Storage of Electronic Goods for a Period of 3 Years	Proposed Temporary Warehouse (Non Dangerous Goods) for a Period of 3 Years	Change in storage items
Site Area	About 2,360 m ²	About 2,700 m ²	+340m ² (+14.4%)
Total Floor Area (Non-domestic)	About 1,370 m ²	About 1,916 m ²	+546m ² (+39.9%)
No. and Height of Structures	7 • for warehouses (8.5m, 1 storey)	11 • for warehouses, guard rooms, electricity meter room and toilet (3 – 8.5m, 1 – 2 storey(s))	+4
No. of Parking Space	Nil		---
No. of Loading/ Unloading Spaces	2 (for light goods vehicles) (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 the following documents:

- (a) Application Form with attachments received on 14.10.2025 (**Appendix I**)
- (b) Further Information (FI) received on 20.11.2025* (**Appendix Ia**)
- (c) FI received on 3.12.2025* (**Appendix Ib**)
* *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) part of the Site was the subject of a previous planning permission under application No. A/YL-TYST/1202;

- (b) the proposed 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 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 proposed use is not incompatible with the surrounding environment. Besides, there is a shortage of land for port back-up use in TYST area;
- (e) septic tank and soakaway system will be provided in accordance with the requirements set out in the Practice Note for Professional Persons (ProPECC) PN 1/23; and
- (f) there will be minimal traffic, environmental, noise and drainage impacts arising from the proposed 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 publishing notices in local newspapers and sending notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The workshop and storage uses at the Site are suspected unauthorized developments which would be subject to planning enforcement action.

5. Previous Application

Majority part of the Site was involved in a previous application (No. A/YL-TYST/1202) for similar temporary warehouse use, which was approved with conditions by the Committee on 17.3.2023 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. However, the planning permission was subsequently revoked in 2024 due to non-compliance with time-limited approval condition regarding the implementation of drainage proposal. Details of the previous application are summarised in **Appendix II** and the boundary of the site is shown on **Plan A-1b**.

6. Similar Applications

- 6.1 A total of 89 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 89 similar applications, 88 were approved by the Committee between 2020 and 2025 mainly on similar considerations as those mentioned in paragraph 5 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) currently paved, fenced off and occupied by structures for a vehicle repair workshop and storage 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, vehicle repair workshops and graves (**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 21.10.2025, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application that the approval conditions of the previous application No. A/YL-TYST/1202 had not been complied with and the proposed storage of electronic goods will generate adverse fire safety impacts on the surrounding areas (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (non-dangerous goods) for a period of three years at the Site zoned “U” on the OZP. The proposed 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 from traffic engineering perspective. Under the Revised Recommended Outline Development Plan of YLS New Development Area (NDA), majority of the Site falls within an area zoned “Residential – Zone 3” with a minor portion shown as ‘Road’ under the Third Phase of YLS NDA. 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/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 areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops and graves (**Plans A-2 and A-3**). The proposed use is generally not incompatible with the surrounding uses.
- 11.3 Other concerned government departments consulted, including the Director of Environmental Protection, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to/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 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 and that the planning permission does not condone any other development/use found on the Site (i.e. vehicle repair workshop) but not covered by the application.
- 11.4 Majority part of the Site was involved in a previous application (No. A/YL-TYST/1202) submitted by the same applicant for temporary warehouse use which was approved with conditions for a period of three years by the Committee on 17.3.2023. However, the planning permission was subsequently revoked in 2024 due to non-compliance with time-limited approval condition on the implementation of drainage proposal. In this regard, the applicant has submitted a drainage proposal in support of the current application (**Drawing A-3**), which was considered

acceptable by CE/MN, DSD. 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 There are 88 similar applications within/straddling the subject “U” zone approved by the Committee in the past five years. While there was one similar application rejected on the grounds as mentioned in paragraph 6.3 above, 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.
- 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.

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 5.12.2028. 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 5.9.2026;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 5.6.2026;
- (d) in relation to (c) 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 5.9.2026;
- (e) 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
- (f) if any of the above planning condition (a), (c) or (d) 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 with attachments received on 14.10.2025
Appendix Ia	FI received on 20.11.2025
Appendix Ib	FI received on 3.12.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Proposed Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Application Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**