

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1326

- Applicant** : Kin Keung Transportation Limited
- Site** : Lots 551 RP (Part), 625, 627 (Part), 629 (Part) and 632 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
- Site Area** : 5,734 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** : “Residential (Group D)”
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse and open storage of construction materials for a period of three years at the application site (the Site) which is zoned “R(D)” 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). The Site is currently occupied by the applied uses without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the southeastern part is accessible from Long Hon Road via a local track (**Plans A-2 and A-3**). According to the applicant, the *Site is* predominantly used for warehouse while *a minor portion* (about 600m² or **11.5% of the Site**) is for *associated* open storage use, both for storage of construction materials (including bricks, glass and cement, etc.). Eleven structures, including nine single-storey structures and two two-storey structures (not exceeding 3m to 9m in height), with a total floor area of about 3,299m², are provided for warehouses, offices, shelter, toilet, electrical meter room and pumping room uses. No inflammable items will be stored and no selling, repairing, spraying, cleansing, dismantling, vehicle cleaning or workshop activities will be carried out at the Site. Four loading/unloading (L/UL) spaces

for medium goods vehicles (MGVs) and one parking space for private car will be provided within the Site. Plans showing the site layout, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 According to the applicant, the current application is to facilitate the relocation of its existing operation (at various lots in D.D. 125) affected by the land resumption and clearance exercise under the Second Phase Development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). Thus, there is an imminent need for the existing operator to secure a relocation site to continue its affected operation. The Site is identified as the most suitable location for relocation of the existing operation after an extensive site search. The area of the current application (i.e. about 5,734m²) is of similar size as the affected operation (i.e. about 5,100m²).
- 1.4 The Site was involved in three previous applications for various temporary open storage uses with/without warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1997 and 2023 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1234), the current application is submitted by the same applicant covering 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/1234 (a)	Current Application No. A/YL-TYST/1326 (b)	Difference (b) – (a)
Applied Use(s)	Proposed Temporary Warehouse and Open Storage of Construction Materials for a Period of 3 Years		---
Site Area	About 4,837 m ²	About 5,734 m ²	+897m ² (+18.5%)
Total Floor Area (Non-domestic)	About 3,194 m ²	About 3,299 m ²	+105m ² (+3.3%)
No. and Height of Structures	8 • for warehouses, offices, shelter, toilet, electrical meter room and pumping room (3 to 9m, 1 to 2 storey(s))	11 • for warehouses, offices, shelter, toilet, electrical meter room and pumping room (3 to 9m, 1 to 2 storey(s))	+3
No. of Parking Space	1 (for private car) (5 m x 2.5 m)		---
No. of L/UL Spaces	4 (for MGVs) (11 m x 3.5 m each)		---
Operation Hours	8:00a.m. to 6:00p.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 with attachments received on 22.7.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 30.7.2025 (**Appendix Ia**)
 - (b) Further Information (FI) received on 15.9.2025# (**Appendix Ib**)

(c) FI received on 7.1.2026*

(Appendix Ic)

* *accepted and exempted from publication and recounting requirements*
accepted but not exempted from publication and recounting requirements

1.6 On 7.11.2025, the Committee agreed to defer making a decision on the application 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, SI and FIs (**Appendices I to Ic**). They can be summarised as follows:

- (a) the current application aims to relocate an existing warehouse operation affected by the Second Phase Development of the HSK/HT NDA;
- (b) the planning permission of the previous application No. A/YL-TYST/1234 was revoked in 10.5.2025 due to non-compliance with approval conditions on submission and implementation of drainage and FSIs proposals. The applicant failed to comply with the approval conditions due to technical difficulties;
- (c) the applicant has conducted a site search to identify suitable site for the relocation of the affected operation, which was challenging. An alternative site in TYST area (i.e. Lots 755 RP and 756 RP (Part) in D.D. 121) had been reviewed but considered not appropriate;
- (d) the temporary uses would not jeopardise the long-term planning intention of the area. The applied uses are not incompatible with the surrounding environment; and
- (e) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. No adverse traffic and environmental impacts arising from the applied uses are envisaged.

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. 31A) by posting site notice and sending the notice to the Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The storage use on the Site is suspected unauthorized development (UD) which would be subject to planning enforcement action.

5. Previous Applications

- 5.1 The Site was involved in five previous applications (No. A/YL-TYST/4, 44, 119, 145 and 1234) for various temporary open storage uses with/without warehouse use covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

Approved Applications

- 5.2 Applications No. A/YL-TYST/4, 44 and 1234 were approved with conditions each for a period of 12 months or 3 years by the Committee and the Board upon review between 1997 and 2023 mainly on the considerations that the proposal would not jeopardise the long-term development of the area; the concerns of relevant government departments could be addressed by implementation of conditions; and the approval of temporary use would not have significant impact on the surrounding areas. As for the last application (No. A/YL-TYST/1234), the planning permission was revoked on 10.5.2025 due to non-compliance with approval conditions regarding the submission and implementation of drainage and FSIs proposals.

Rejected Applications

- 5.3 Applications No. A/YL-TYST/119 and 145 were rejected by the Committee or by the Board upon review in 2001 mainly on the grounds that no strong justification was submitted for a departure from the planning intention of the “R(D)” zone; the development was not compatible with the surrounding environment; and there were adverse environmental and traffic impacts to the surrounding areas.

6. Similar Application

- 6.1 There is no similar application for temporary warehouse and/or open storage use within the same “R(D)” zone in the past five years.
- 6.2 For Members’ information, application No. A/YL-TYST/1318 for proposed temporary warehouse with ancillary facilities for a period of three years involving the same “R(D)” zone will be considered at the same meeting (**Plan A-1**).

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

- 7.1 The Site is:
- (a) accessible from Long Hon Road via a local track (**Plans A-2 and A-3**);
 - (b) currently occupied by the applied uses 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, parking of vehicles, a vehicle repairing workshop, agricultural land, unused land and vacant land/structures (**Plans A-2 and A-3**).

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau/department as set out in paragraphs 9.2 and 9.3 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices III** and **IV** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate the relocation of a brownfield operation providing temporary warehouse and open storage of construction materials which was previously located at various lots in D.D. 125 which is affected by the Second Phase Development of HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the Site under the current application is the most suitable relocation site. The site area under the current application is similar to that of the original premises of the affected brownfield operation; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.3 The following government department does not support the application:

Environment

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

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located within 20m of the site boundary) (**Plan A-2**) and the applied uses will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) 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 **Appendix V**.

10. Public Comments Received During the Statutory Publication Periods

On 1.8.2025 and 19.9.2025, the application and its FI were published for public inspection. During the statutory public inspection periods, four public comment were received from the village representatives of Tong Yan San Tsuen and an individual, objecting to the application on the grounds that the applied uses are incompatible with the surrounding areas; the application is not in line with the planning intention of the “R(D)” zone and the long-term development of the Yuen Long South New Development Area (YLS NDA); the previous application permission under application no. A/YL-TYST/1234 was revoked due to non-compliance with approval conditions; and the applied uses will generate adverse traffic impacts on the surrounding areas (**Appendix III**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse and open storage of construction materials for a period of three years at the Site which is zoned “R(D)” on the OZP. Although the applied uses (*predominantly warehouse with a minor portion for associated open storage*) are not in line with the planning intention of “R(D)” zone, according to the applicant, the application is to facilitate the relocation of business operation affected by the Second Phase Development of HSK/HT NDA. The applicant has undergone a site search before identifying the Site as the most suitable for the relocation and the size of the Site (i.e. about 5,734m²) is similar to the affected operation (i.e. 5,100m²). To facilitate smooth clearance for the HSK/HT NDA and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from policy perspective. There is also no known development programme or proposal at the Site for the time being. According to the Revised Recommended Outline Development Plan of YLS NDA, the Site falls within areas zoned “Residential – Zone 5” 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 the application. Taking into account the above and the planning assessments below, 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, parking of vehicles, a vehicle repairing workshop, agricultural land, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied uses are generally not incompatible with the surrounding land uses.

11.3 Concerned government departments consulted, including the Commissioner for Transport, 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 traffic, fire safety and drainage aspects respectively. While DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located about 20m within of the site boundary) (**Plan A-2**) and environmental nuisance is expected, there has been no substantiated environmental complaint concerning the Site received in the past three years. Should the planning application be approved, the applicant will 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 nuisance on the surrounding areas and to keep the Site clean and tidy at all times. To address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.

- 11.4 The Site was involved in three previous approvals for temporary open storage use with/without warehouse use, which were granted between 1997 and 2023. However, the planning permission of the last application No. A/YL-TYST/1234 was subsequently revoked in 2025 due to non-compliance with time-limited approval conditions on the submission and implementation of drainage and FSIs proposals. The current application is submitted by the same applicant at a larger site with different layout and development parameters compared with the last application. In this regard, the applicant has provided justifications for non-compliance with the approval conditions of the last application and has submitted drainage and FSIs proposals in support of the current application (**Drawings A-2 and A-3**). CE/MN, DSD and D of FS have no objection to the current application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should it 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 Although there were two previous applications for temporary open storage use rejected by the Committee or by the Board upon review in 2001 on the considerations stated in paragraph 5.3 above, the circumstances of the current application are different in that C for T has no objection to the application and DEP’s concern could be addressed as mentioned in paragraph 11.3 above. Approval of the current application is not in conflict with the previous decisions of the Committee/the Board.
- 11.6 Regarding the public comments 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 above and having taken into account the public comments 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 27.2.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) 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 27.8.2026;

- (b) in relation to (a) 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 27.11.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 27.8.2026;
- (e) in relation to (d) 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 27.11.2026;
- (f) 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; and
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

the applied uses are not in line with the planning intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low-density residential development. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

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 22.7.2025
Appendix Ia	SI received on 30.7.2025
Appendix Ib	FI received on 15.9.2025
Appendix Ic	FI received on 7.1.2026
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Appendix VI	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Site Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**