

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1345

- Applicant** : Top Crown Engineering Limited represented by Metro Planning & Development Company Limited
- Site** : Lot 1172 in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long
- Site Area** : 800 m² (about) (including GL of about 128 m² (about 16%))
- 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 Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials for a period of three years at the application site (the Site) which is 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-4**).
- 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 warehouse is for storage of construction materials (including pipes, barricades, bricks and sanitary wares). Three single-storey structures (not exceeding 3m to 8.5m in height) with a total floor area of about 454m² are provided for warehouses and electricity meter room uses. A loading/unloading bay for light goods vehicle will be provided. No workshop activity will be carried out at the Site and no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailer/tractor, as defined in the Road Traffic Ordinance, will be allowed to enter the Site. Plans showing the proposed site layout, as-built drainage plan and fire service

installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in four previous applications for the same temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2024 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1260), the current application is submitted by the same applicant for the same use at a smaller 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/1260 (a)	Current Application No. A/YL-TYST/1345 (b)	Difference (b)-(a)
Site Area	About 1,074 m ²	About 800 m ²	-274 m ² (-25.5%)
Total Floor Area (Non-domestic)	Not more than 477 m ²	Not more than 454 m ²	-23 m ² (-4.8%)
No. and Height of Structures	5 • for warehouses, electricity meter room, site office and toilet (3 – 8.5m, 1 storey)	3 • for warehouses and electricity meter room (3 – 8.5m, 1 storey)	-2
No. of Parking Space	Nil		---
No. of Loading/Unloading Space	1 (for light goods vehicle) (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 31.12.2025 **(Appendix I)**
- (b) Further Information (FI) received on 5.2.2026* **(Appendix Ia)**
- (c) FI received on 11.2.2026* **(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 FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site is the subject of previous planning permissions and has been occupied by the applied use since 2015;
- (b) the applied use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13G);

- (c) the temporary use would not jeopardise the long-term planning intention of the area. A number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. The development is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up use in TYST;
- (d) there will be minimal traffic, environmental and drainage impacts arising from the applied use; and
- (e) due to land resumption for Yuen Long South (YLS) New Development Area, part of the application site of the last approved application (No. A/YL-TYST/1260) has been resumed and thus the approval conditions could not be implemented.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, 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) are not applicable.

4. Background

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

5. Previous Applications

The Site was involved in four previous applications (No. A/YL-TYST/707, 867, 1079 and 1260) for the same temporary warehouse use covering the same site which were all approved with conditions each for a period of three years by the Committee between 2015 and 2024 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 departmental concerns could be addressed by implementation of approval conditions. As for the last application (No. A/YL-TYST/1260), the planning permission was revoked on 19.1.2025 due to non-compliance with approval conditions regarding submission of condition record of the existing drainage facilities on the Site and implementation of FSIs proposal. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

6. Similar Applications

6.1 A total of 75 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 75 similar applications, 74 were approved by the Committee between 2021 and 2025 mainly on similar considerations as those 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-4)

- 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 the applied use without valid planning permission (**Plans A-2 to A-4**).
- 7.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, car servicing 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 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

- 9.1 Apart from the government department 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 department has adverse comments on the application:

Land Administration

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

- (a) he has adverse comments on the application;
- (b) the Site comprises 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) the private lot and a portion of GL (about 97 m²) are covered by Short Term Waiver (STW) No. 4175 and Short Term Tenancy (STT) No. 2855 for the purpose of “Temporary Warehouse for Storage of Construction Material” respectively;
- (d) a portion of the GL within the Site (about 31m²) has been unlawfully occupied with unauthorised structure without any permission. His office reserves the rights to take necessary land control action against the unlawful occupation of GL without further notice; and
- (e) the applicant should note his advisory comments at **Appendix IV**.

10. Public Comment Received During the Statutory Publication Period

On 9.1.2026, 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 construction materials for a period of three years at the Site which is 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 New Development Area, the Site mainly falls within an area zoned “Local Open Space” with a minor portion zoned “Other Specified Uses (Mixed Use)” under the Third Phase of YLS New Development Area. 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 of 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, car servicing and vacant land/structures (**Plan A-2**). The applied 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 (D of FS) 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 perspectives 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 As for DLO/YL, LandsD’s concerns on unlawful occupation of GL within the Site, the applicant indicates that STT will be applied from LandsD upon approval of the application. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 The Site was involved in four previous applications for temporary warehouse use which were all approved with conditions each for a period of three years by the Committee between 2015 and 2024. However, the planning permission of the last application No. A/YL-TYST/1260 was subsequently revoked in 2025 due to non-compliance with time-limited approval conditions on submission of condition record of the existing drainage facilities and implementation of FSIs proposal. The current application is submitted by the same applicant at a smaller 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
- 11.6 A total of 75 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 11.5 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 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 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 31.12.2025
Appendix Ia	FI received on 5.2.2026
Appendix Ib	FI received on 11.2.2026
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Proposed Layout plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	Proposed FSI Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**