

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TT/759

- Applicant** : Merrily Development and Investment Company Limited represented by Allgain Land Planning Limited
- Site** : Various Lots in D.D. 118, Tai Tong, Yuen Long
- Site Area** : 4,780 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/20
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse for Storage of Furniture, Electronic Goods and Construction Materials and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of furniture, electronic goods and construction materials and associated filling of land for a period of three years at the application site (the Site) zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years, and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is largely vacant and vegetated with a temporary structure erected at the southern part of the Site (**Plan A-4a and A-4b**).
- 1.2 According to the applicant, the application is to facilitate the relocation of a warehouse business operated at Lots 1449 (Part), 1450 (Part), 1453, 1454 (Part), 1458 (Part) and 1459 (Part) in D.D. 119 at Tong Yan San Tsuen (TYST), Yuen Long which have been resumed by the Government for the implementation of the Second Phase Development of the Yuen Long South New Development Area (YLS NDA). The applicant has conducted a thorough site selection process before identifying the Site as the most suitable site for relocation. Although the size of the Site (i.e. about 4,780 m²) is 66.6% (or about 1,910m²) larger than its affected business in TYST (i.e. about 2,870 m²), the applicant considers that the Site is the most suitable location to accommodate the affected business. According to the

applicant, the operation area of the Site has been minimised to a comparable size to the affected business site.

- 1.3 The Site is accessible from Tai Shu Ha Road West via a local track with an ingress/egress point at the east (**Drawing A-1** and **Plan A-2**). Two one to two-storey structures (not more than 10m in height) for storage of furniture, electronic goods and construction materials and office use with a total floor area of about 2,880 m² are proposed. The remaining open-air area of about 1,940 m² (59.4%) is mainly for vehicle circulation area purpose. Peripheral fencing will be erected along the site boundary of all sides. Three loading/unloading spaces for light goods vehicles (7m x 3.5m) will be provided (**Drawing A-2**). The applicant also seeks permission for land filling works at the entire Site with concrete of about 0.2m in depth for site formation and circulation area (**Drawing A-3**). No workshop activity would be carried out at the Site. The operation hours are from 9:00 a.m. to 5:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. Plans showing the vehicular access, site layout and land filling area submitted by the applicant are at **Drawings A-1** to **A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (Appendix I) 31.12.2025
 - (b) Supplementary Information (SI) received on 9.1.2026 (Appendix Ia)
 - (c) Further Information (FI) received on 20.4.2026* (Appendix Ib)
**accepted and exempted from publication and recounting requirements*
- 1.5 On 27.2.2026, the Rural and New Town Planning Committee (the Committee) of the Board 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 FI at **Appendices I** to **Ib**. They can be summarised as follows:

- (a) the applicant is a warehouse and logistics operator and the site of its business in TYST has been resumed by the Government for the implementation of the YLS NDA. Successful relocation of the Site would help support the substantial market demand for logistics and warehousing;
- (b) the applicant has spent efforts on identifying suitable sites for relocating the affected operation in TYST. However, the alternative sites are considered not suitable or impracticable due to various shortcomings such as land use incompatibility and unaffordable land rent etc;
- (c) given that the Site is larger than the affected business site due to tenancy agreement constraint, the applicant has minimised the operation area of the Site to a comparable size to the affected business site;

- (d) the application is temporary in nature and approval of the application would not frustrate the long-term planning intention of the “AGR” zone;
- (e) the proposed use is not incompatible with the surrounding area. No adverse environmental, landscape and traffic impacts are anticipated;
- (f) the applicant will follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“CoP”) to minimise environmental impact and nuisance to the surrounding areas; and
- (g) similar applications within the same “AGR” zone for the same use were approved by the Board.

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 Shap Pat Heung Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

There is no previous application concerning the Site.

6. Similar Applications

- 6.1 There are 13 similar applications (No. A/YL-TT/575, 608, 648, 651, 671, 717, 739, 741, 755, 757, 766, 775 and 782) for temporary warehouse with/without associated filling of land within the same “AGR” zone in the past five years. All the applications were approved by the Committee between 2022 and 2026 mainly on similar considerations that the temporary use would not jeopardise the long-term planning intention of the “AGR” zone; being not incompatible with the surrounding uses; having policy support from the Secretary for Development (SDEV) (for applications No. A/YL-TT/575, 608, 651, 755 and 757) and the departmental comments could be addressed by implementation of approval conditions. Details of these similar applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1**.
- 6.2 For Members’ information, planning applications No. A/YL-TT/737 and 758 for warehouse use within the subject “AGR” zone will also be considered at this meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) largely vacant and vegetated with a temporary structure erected at the southern part of the Site; and
- (b) accessible from Tai Shu Ha Road West via a local track.

7.2 The surrounding areas are predominantly rural in character comprising open storage/storage yards intermixed with vacant/unused land, farmland, warehouses, graves and plant nursery.

8. Planning Intention

8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities in the subject “AGR” zone.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau and 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 in the Recommended Advisory Clauses 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 SDEV:

- (a) the application is to facilitate relocation of a warehouse operation in TYST, Yuen Long, which is affected by the Second Phase Development of the YLS NDA;
- (b) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the Site under the current application is the most suitable relocation site. The applicant also claims that the Site, which is larger than their current facility, is the only suitable site identified after a thorough site search and is necessary to accommodate their operational needs to provide internal vehicle circulation area and manoeuvring space; and

- (c) in view of the above and 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 on the application.

Agriculture and Nature Conservation

9.3.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the Site falls within the “AGR” zone and is generally abandoned. Part of the Site is under active cultivation. There are active agricultural activities in the vicinity and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed uses are not supported from agricultural perspective; and
- (b) no comment from nature conservation point of view.

10. Public Comments Received During the Statutory Publication Period

On 13.1.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix V**). Two comments from the Shap Pat Heung Rural Committee and a village representative of Nam Hang Tsuen support the application mainly on the grounds that the application could utilise the land resources, provide job opportunities to the nearby villagers and would not create adverse environmental impact. Two comments from the Kadoorie Farm & Botanic Garden Corporation and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone, the Site falls within the Agricultural Priority Area; and the increase in site area of the Site as compared with the affected site is not justified.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse for storage of furniture, electronic goods and construction materials and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. While the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective mainly on consideration that the Site possesses potential for agricultural rehabilitation, according to the applicant, the application is to facilitate the relocation of a warehouse business affected by the Second Phase Development of YLS NDA. Although the size of the Site (i.e. about 4,780 m²) is 66.6% (or about 1,910m²) larger than its affected business in TYST (i.e. about 2,870 m²), the applicant considers the Site is the most suitable location for relocating the affected business. To facilitate relocation of the business operation at TYST affected by the YLS NDA, SDEV supports the application from the policy perspective. Taking into account the above and the

planning assessments below, there is no objection to the application on a temporary basis of three years.

- 11.2 The applicant also seeks permission for land filling works at the entire Site with concrete of about 0.2m in depth for site formation and circulation area. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The proposed use is considered not incompatible with the surrounding areas which are predominantly rural in character comprising open storage/storage yards intermixed with vacant/unused land, farmland, warehouses, graves and plant nursery (**Plan A-2**). The Chief Town Planner/Urban Design & Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application from traffic and fire safety aspects respectively. Should the application be approved, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of concerned government departments. The applicant will also be advised to follow the latest “CoP” to minimise potential environmental nuisances on the surrounding areas.
- 11.5 There are 13 approved similar applications within the subject “AGR” zone in the past five years as mentioned in paragraph 6 above. Approval of the current application is in line with the previous decisions of the Committee.
- 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 and having taken into account the public comments mentioned in paragraph 10 above, the 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 5.6.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 5.12.2026;
- (b) in relation to (a) above, the implementation of the 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 5.3.2027;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) 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 5.12.2026;
- (e) in relation to (d) 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 5.3.2027;
- (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;
- (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; and
- (h) upon expiry of the planning permission, the reinstatement of the application site, including the removal of the fill materials and hard paving and grassing of the application site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory clauses

The recommended advisory clauses are at **Appendix IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use with associated filling of land is not in line with the planning intention of the "Agriculture" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 31.12.2025
Appendix Ia	SI received on 9.1.2026
Appendix Ib	FI received on 20.4.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Land Filling Plan
Plan A-1	Location Plan with Similar Applications
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4a	Site Photos
Plan A-4b	Site Photos

**PLANNING DEPARTMENT
JUNE 2026**