

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1365

<u>Applicant</u>	:	Mr. Cheung Fook Wo represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Various Lots in D.D. 119, Pak Sha Tsuen, Yuen Long
<u>Site Area</u>	:	1,430 m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Undetermined” (“U”)
<u>Application</u>	:	Temporary Warehouse for Storage of Exhibition Materials, Vehicle Parts and Food Provision for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of exhibition materials, vehicle parts and food provision for a period of three years at the application site (the Site) falling within an area zoned “U” on the OZP (**Plan A-1**). 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 ingress/egress at the northern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, three single-storey structures (not exceeding 8m in height) with a total floor area of not more than 1,060m² are erected for warehouses for storage of exhibition materials, vehicle parts and food provision. One loading/unloading (L/UL) space for light goods vehicle (LGV) will be provided. No workshop activity will be carried out at the Site. No medium and heavy goods vehicles, including container tractors/trailers, as defined in the Road Traffic Ordinance will be allowed to access 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 leading to the Site, site layout, drainage proposal 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 two previous applications for temporary warehouse use, including application No. A/YL-TYST/278 which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 18.2.2005 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/278), 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/278 (a)	Current Application No. A/YL-TYST/1365 (b)	Difference (b)-(a)
Applied Use(s)	Temporary Warehouse for Storage of Paint Brushes for a Period of 3 Years	Temporary Warehouse for Storage of Exhibition Materials, Vehicle Parts and Food Provision for a Period of 3 Years	Change in storage items
Site Area	About 230 m ²	About 1,430 m ²	+1,200m ² (+521.7%)
Total Floor Area (Non-domestic)	About 188 m ²	Not more than 1,060 m ²	+872m ² (+463.8%)
No. and Height of Structures	1 • for warehouse (4m, 1 storey)	3 • for warehouses (8m, 1 storey)	+2
No. of Parking Space(s)	1 (for lorry)	Nil	-1
No. of L/UL Space(s)	1	1 (for LGV) (7 m x 3.5 m)	---

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

- (a) Application Form with attachments received on 24.6.2026 (**Appendix I**)
- (b) Further Information (FI) received on 14.7.2026 (**Appendix Ia**)
[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) 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);
- (b) the temporary use would not jeopardise the long-term planning intention of the Site. 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 those of

the Site. The applied use is compatible with the surrounding environment. Besides, there is a shortage of land for storage use in TYST; and

- (c) there will be minimal traffic, environmental and drainage impacts arising from the applied 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 obtaining consents of the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Applications**

- 5.1 The Site was involved in four previous applications including two applications (No. A/YL-TYST/247 and 278) for temporary warehouse uses covering the middle part of the Site.

Rejected Application

- 5.2 Application No. A/YL-TYST/247 for temporary storage of paint brushes for a period of three years was rejected by the Committee on 30.7.2004 mainly on the grounds that the proposal was not compatible with the residential structures in the vicinity and located along the access track to its east; and insufficient information was provided in the submission to demonstrate that the proposal would not generate adverse environmental and drainage impacts on the surrounding areas.

Approved Application

- 5.3 Application No. A/YL-TYST/278 for temporary warehouse for storage of paint brushes for a period of three years was approved with conditions by the Committee on 18.2.2005 mainly on the considerations that the proposal was not incompatible with the surrounding areas and the concerns of relevant government departments could be addressed by implementation of approval conditions. The planning permission was subsequently revoked on 18.8.2005 due to non-compliance with time-limited approval conditions on the provision of fire extinguisher, and the submission and implementation of drainage proposal.
- 5.4 The remaining two applications (No. A/YL-TYST/127 and 246) were for temporary open storage use, and their considerations are not relevant to the current application which involves a different use. Details of the previous 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 80 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 III** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Of the 80 similar applications, 79 were approved by the Committee between 2021 and 2026 mainly on similar considerations as mentioned in paragraph 5.3 above.
- 6.3 The remaining application was rejected by the Committee in 2021 on the ground 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 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

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 IV** and **V** respectively.

9.2 The following government department objects to the application:

Land Administration

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

- (a) he objects to 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) his department has reservation on the application since there are unauthorised structures and/or uses on the subject lots which are already subject to lease enforcement actions according case priority. The lot owners should rectify/apply for regularisation on the lease breaches as demanded by his department; and
- (d) as the project pre-clearance survey has been conducted for the Site, DLO/YL, LandsD will not process either regularisation or new application for Short Term Waiver/Short Term Tenancy for this application.

10. Public Comment Received During the Statutory Publication Period

On 3.7.2026, 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 exhibition materials, vehicle parts and food provision 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 falls within an area zoned “Residential – Zone 2” and “Local Open Space” 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 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, car servicing and vacant land/structures (**Plans A-2 and A-3**). The applied use is considered not incompatible with the surrounding areas.
- 11.3 Other relevant government departments consulted including the Director of Environmental Protection (DEP), 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 environmental, fire safety and drainage perspectives respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. 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 possible environmental nuisance on the surrounding areas. As for DLO/YL, LandsD's concern on unauthorised structures and/or uses on the subject lots within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 Part of the Site was involved in a previous approval for temporary warehouse use, which was granted in 2005. However, the planning permission was subsequently revoked due to non-compliance with time-limited approval conditions on the provision of fire extinguisher, and the submission and implementation of drainage proposal. The current application is submitted by the same applicant at a larger site with different layout and development parameters compared with the last relevant application. In support of the current application, the applicant has submitted a drainage proposal and FSIs proposal. CE/MN, DSD considers the submitted drainage proposal acceptable 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 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 A total of 79 similar applications within/straddling the subject "U" zone were approved by the Committee 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.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11, 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 14.8.2029. 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 14.5.2027;
- (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 14.2.2027;
- (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 14.5.2027;
- (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 V**.

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 24.6.2026
Appendix Ia	FI received on 14.7.2026
Appendix II	Previous Applications

Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal
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
AUGUST 2026**