

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1258**

- Applicant** : Merrily Development and Investment Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 2008 S.B RP, 2008 S.C ss.1, 2008 S.E RP and 2008 S.F ss.1 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long, New Territories
- Site Area** : 3,380 m<sup>2</sup> (about)
- Lease** : New Grant Lots (for orchard purpose only)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Other Specified Uses” annotated “Storage and Workshop Use” (“OU(SW)”) (about 86.3%); and  
*[Restricted to a maximum plot ratio of 5 and a maximum building height of 110mPD]*  
  
area shown as ‘Road’ (about 13.7%)
- Application** : Temporary Logistics Centre and Warehouse for Storage of Recyclable Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary logistics centre and warehouse for storage of recyclable materials for a period of three years at the application site (the Site) (**Plan A-1**). According to the Notes of the OZP for the “OU(SW)” zone, ‘Warehouse (other than Dangerous Goods (DG) Godown)’ is always permitted, while ‘Cargo Handling and Forwarding Facility’ (under which logistics centre is subsumed) is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The covering Notes of the OZP also stipulate that all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is currently occupied by the applied uses without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Tong Yan San Tsuen Road to its north via a short local track and the ingress/egress is at the northeastern part of the Site (**Plan A-2**). According to the applicant, the temporary warehouse is for storage of recyclable materials (including cans, paper and plastic products) and the temporary logistics

centre is for providing logistical support for provisions businesses, including freight management, inventory control, and storage and consolidation of goods for distribution (including packed electronic goods and construction materials). No workshop activities and no storage or handling (including loading and unloading (L/UL)) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) and any types of electronic waste will be carried out at the Site. No heavy goods vehicles exceeding 24 tonnes, including container trailers/tractors, will be allowed to enter the Site. Plans showing the site layout, as-built drainage facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in three previous applications including two applications for the same temporary logistics centre and warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2020 and 2021 respectively (details at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1098), the current application is submitted by the same applicant for the same use at the same site with the same layout and development parameters. The major development parameters of the current application are summarised as follows:

Site Area	About 3,380 m <sup>2</sup>
Total Floor Area (Non-domestic)	Not more than 2,170 m <sup>2</sup>
No. and Height of Structures	7 • for logistics centre, warehouse, toilet, site office, electricity meter room, pump room and store room (3 – 13m, 1 – 2 storey(s))
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for medium goods vehicle) (11m x 3.5m)
Operation Hours	7:00 a.m. to 9:00 p.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 5.2.2024 (**Appendix I**)
  - (b) Further Information (FI) received on 26.2.2024\* (**Appendix Ia**)
  - (c) FI received on 20.3.2024\* (**Appendix Ib**)
- \* *accepted and excepted from publication 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 Ib**). They can be summarised as follows:

- (a) the applied warehouse use is always permitted in the “OU(SW)” zone. The Site is the subject of a previous planning permission (No. A/YL-TYST/1098) for the same use with the same layout. The applicant failed to comply with the approval conditions on submission and implementation of FSIs proposal for the previous

application due to a change in contractors and the applicant claims that the FSIs proposal has been implemented;

- (b) the applied use is in line with the planning intention of the “OU(SW)” zone and the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13G); and
- (c) there will be minimal traffic 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 posting site notice and sending the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

TPB PG-No. 13G is relevant to the application. The Site falls within Yuen Long South (YLS) Development Area under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is attached at **Appendix II**.

### **5. Background**

The Site is currently not subject to planning enforcement action.

### **6. Previous Applications**

- 6.1 The Site is involved in three previous applications, including two approved applications (No. A/YL-TYST/1011 and 1098)<sup>1</sup> for the same temporary logistics centre and warehouse uses covering the same site. The remaining application (No. A/YL-TYST/88) is for proposed asphalt concrete batching plant which considerations are not relevant to the current application. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.
- 6.2 Applications No. A/YL-TYST/1011 and 1098 were approved with conditions each for a period of three years by the Committee in 2020 and 2021 respectively, mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; and departmental concerns could be addressed by imposing approval conditions. However, both planning

---

<sup>1</sup> The previous application No. A/YL-TYST/1011 was submitted by a different applicant compared with the current application and the Site was zoned “Industrial (Group D)” on previous version of OZP at the time of consideration by the Committee.

permissions were subsequently revoked in 2021 and 2023 respectively due to non-compliance with time-limited approval conditions regarding the submission and/or implementation of drainage and/or FSI proposals.

## **7. Similar Application**

There is no similar application within the subject “OU(SW)” zone in the past five years.

## **8. Planning Intention**

The planning intention of the “OU(SW)” zone is for multi-storey buildings to house the brownfield operations that could not be accommodated in conventional flatted factory buildings (i.e. storage of goods or operations that involve bulky and heavy goods/machinery and require high headroom).

## **9. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

9.1 The Site is:

- (a) accessible from Tong Yan San Tsuen Road to its north via a short local track (**Plan A-2**);
- (b) paved, fenced off and occupied by the applied uses without valid planning permission (**Plans A-2 to A-4**).

9.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

- (a) comprise predominantly warehouses and open storage/storage yards intermixed with a residential structure with store, concrete batching plant, workshops, logistics centre, godown, metal/machinery factories, graves and vacant land/structures;
- (b) there is a residential structure located about 5m to its northeast; and
- (c) except for a concrete batching plant with valid planning permission (No. A/YL-TYST/112) as well as a DG storage yard, a godown and the metal/machinery factories in the vicinity of the Site, the remaining DG warehouses/open storage yards, storage yard of chemicals and logistics centre in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices IV and V** respectively.

10.2 The following government department does not support the application:

**Environment**

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

- (a) he does not support the application as there is residential use in the vicinity (located about 5m to its northeast) (**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**.

**11. Public Comment Received During the Statutory Publication Period**

On 16.2.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual raising concerns that the last permission (No. A/YL-TYST/1098) was revoked and the applied uses will generate adverse fire safety impacts on the surrounding area (**Appendix VI**).

**12. Planning Considerations and Assessments**

- 12.1 The application is for temporary logistics centre and warehouse for storage of recyclable materials for a period of three years at the Site mainly zoned “OU(SW)” (about 86.3%) and partly within an area shown as ‘Road’ (about 13.7%) on the OZP. The applied warehouse use is always permitted within the “OU(SW)” zone. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls mainly within an area zoned “Other Specified Uses (Storage Use)” with a minor portion within an area shown as ‘Road’ under Stage 2B of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have no objection to the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects (**Appendix V**).
- 12.2 The surrounding area comprises predominantly warehouses, open storage/storage yards and other industrial operations (**Plan A-2**). While there is a residential structure in the vicinity, the applied uses are generally not incompatible with the surrounding uses.
- 12.3 The application is generally in line with TPB PG-No. 13G in that the Site falls within the YLS Development Area and previous planning approvals for the same port back-up use have been granted; relevant proposals have been submitted to

demonstrate that the applied uses would not generate adverse impacts on the surrounding areas; and the technical concerns of relevant departments could be addressed through the imposition of approval conditions.

- 12.4 There is no adverse comment from concerned government departments, including the Commissioner for Transport, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on traffic, fire safety and drainage aspects respectively. DEP does not support the application as there is sensitive receiver of residential use in the vicinity of the Site (located about 5m to its northeast) (**Plan A-2**) and the applied uses will cause traffic of heavy vehicles, environmental nuisance is expected. However, no environmental complaint concerning the Site has been received by DEP in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to planning enforcement action. 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”.
- 12.5 The Site is involved in two previous applications (No. A/YL-TYST/1011 and 1098) for temporary logistics centre and warehouse use which were approved by the Committee in 2020 and 2021 respectively. However, the planning permissions were subsequently revoked in 2021 and 2023 respectively due to non-compliance with time-limited approval conditions on submission and/or implementation of drainage and/or FSIs proposals. The current application is submitted by the same applicant with the layout and development parameters as the last application (No. A/YL-TYST/1098) and the applicant has implemented the accepted drainage proposal under the last application and submitted a FSIs proposal for the current application. 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 planning permission, sympathetic consideration may not be given to any further applications.
- 12.6 Given that two previous approvals for the same temporary logistics centre and warehouse uses have been granted to the Site, approval of the current application is generally in line with the Committee’s previous decisions.
- 12.7 There is one public comment raising concerns on the application received during the statutory public inspection period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1. to 12.6 above are relevant.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.

- 13.2 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 5.4.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activities and no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) and any type of electronic waste, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a condition record of the existing drainage facilities on the site within **3** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.7.2024;
- (g) 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 5.10.2024;
- (h) 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 5.1.2025;
- (i) if any of the above planning condition (a), (b), (c), (d) or (e) 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
- (j) if any of the above planning condition (f), (g) or (h) 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**.

13.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied logistics centre use is not in line with the planning intention of the "OU(SW)" zone which is intended for multi-storey buildings to house the brownfield operations that could not be accommodated in conventional flatted factory buildings. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied uses would not generate adverse environmental impact on the surrounding area.

#### **14. Decision Sought**

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.

14.2 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.

14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 5.2.2024
<b>Appendix Ia</b>	FI received on 26.2.2024
<b>Appendix Ib</b>	FI received on 20.3.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comment
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	As-built Drainage Plan
<b>Drawing A-3</b>	FSIs Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**