

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

**APPLICATION NO. A/YL-TYST/1270**

- Applicant** : Mr. YEUNG Ka Wing represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long
- Site Area** : 9,095 m<sup>2</sup> (about) (including GL of about 238 m<sup>2</sup> (about 2.6%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Undetermined” (“U”) (about 98.8%); and  
“Residential (Group C)” (“R(C)”) (about 1.2%)<sup>1</sup>  
*[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys (9m)]*
- Application** : Temporary Warehouse for Storage of Construction Materials, Food Provisions, Vehicles, Vehicle Parts and Electronic Products for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials, food provisions, vehicles, vehicle parts and electronic products for a period of three years at the application site (the Site) 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 paved, fenced off and currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Kung Um Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the applied use is for storage of construction materials (including pipes,

---

<sup>1</sup> Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

tiles and sanitary wares), food provisions (including canned food and milk powder), vehicles (private cars only), vehicle parts and electronic products (including brand new mobile phones and tablets). There are a total of ten structures at the Site, including seven one to two-storey(s) structures (not exceeding 6.8m in height) with a total floor area of 6,579 m<sup>2</sup> for warehouse uses. The remaining three single-storey structures (not exceeding 3.5m to 6m in height) with a total floor area of 220m<sup>2</sup> are provided for rain shelter, pump room and water tank uses. No electronic waste will be stored and no workshop activity will be carried out at the Site. No medium and heavy goods vehicles exceeding 24 tonnes, including container tractor/trailers, will be allowed to enter the Site. Plans showing the vehicular access leading to the Site, site layout, tree preservation and landscape proposal, as-built drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site was involved in six previous applications for various temporary warehouse uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2006 and 2021 (details at paragraph 5 below).
- 1.4 Compared with the last approved application (No. A/YL-TYST/1100), the current application is submitted by the same applicant for the same use at the same site with similar layout and development parameters. A comparison of the major development parameters of the current application and the last approved application is summarised as follows :

<b>Major Development Parameters</b>	<b>Last Approved Application No. A/YL-TYST/1100 (a)</b>	<b>Current Application No. A/YL-TYST/1270 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Construction Materials, Food Provisions, Vehicles, Vehicle Parts and Electronic Products for a Period of 3 Years		---
Site Area	About 9,095 m <sup>2</sup>		---
Total Floor Area (Non-domestic)	About 6,421 m <sup>2</sup>	About 6,799 m <sup>2</sup>	+378 m <sup>2</sup> (+5.9%)
No. and Height of Structures	10 • for warehouses, rain shelter, site offices and FSIs (3.5 – 6.8m, 1 – 2 storey(s))		---
No. of Parking Space	1 (for private car) (5m x 2.5m)		---
No. of Loading/Unloading Spaces	2 (for light goods vehicles) (7m x 3.5m each)		---
Operation Hours	9:00 a.m. to 5:00 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 22.5.2024 **(Appendix I)**
  - (b) Further Information (FI) received on 5.6.2024\* **(Appendix Ia)**
  - (c) FI received on 6.9.2024\* **(Appendix Ib)**

- (d) FI received on 7.11.2024\* (Appendix Ic)  
\* *accepted and exempted from publication and recounting requirements*

1.6 On 19.7.2024 and 25.10.2024, the Committee agreed to defer making a decision on the application for two months respectively 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 and FIs (**Appendices I to Ic**). 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 2006. All the time-limited approval conditions under the last planning application No. A/YL-TYST/1100 had been complied with, except the implementation of FSIs proposal mainly due to the additional time required for opening windows for extraction of smoke;
- (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;
- (d) 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 port back-up use in the area;
- (e) all the stored items will be housed within an enclosed structure and no operation will be held during sensitive hours; and
- (f) there will be minimal traffic, environmental, noise 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 posting site notice and sending notice to the Shap Pat Heung Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

## **4. Background**

The use of the Site for storage and warehouse would be subject to planning enforcement action.

## 5. **Previous Applications**

The Site was in part or in whole involved in six previous applications (No. A/YL-TYST/328, 409, 565, 773, 941 and 1100) for various temporary warehouse uses. All six applications were approved with conditions for a period of three years by the Committee between 2006 and 2021 mainly on the considerations that the applied use 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 imposing approval conditions. However, the planning permissions for three of them, including the last two applications which were submitted by the same applicant of the current application, were subsequently revoked between 2007 and 2023 due to non-compliance with approval conditions<sup>2</sup>. 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 84 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 the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Out of the 84 similar applications, 82 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those mentioned in paragraph 5 above. The remaining two applications for temporary warehouse use were rejected by the Committee in 2019 and 2021 respectively 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.
- 6.3 For Members’ information, applications No. A/YL-TYST/1279 (for temporary warehouse for storage of electronic parts, construction materials and vehicle parts for a period of three years), A/YL-TYST/1290 (for temporary warehouse for storage of exhibition materials, clothes and construction materials for a period of three years) and A/YL-TYST/1293 (for proposed temporary warehouse for storage of general goods for a period of three years) within the subject “U” zone will also be considered by the Committee at this meeting (**Plan A-1a**).

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

7.1 The Site is:

- (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

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

---

<sup>2</sup> The last two planning permissions No. A/YL-TYST/941 and 1100 were revoked in 2021 and 2023 respectively due to non-compliance with approval conditions regarding the submission and/or implementation of FSIs proposal.

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, agricultural land, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to the immediate southeast of the Site; and
- (c) some warehouses are covered with valid planning permissions while some other uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

## **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**

All government 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.

## **10. Public Comments Received During the Statutory Publication Period**

On 31.5.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received from individuals including one objecting to the application and the other one raising concerns that the Site was the subject of previous revocations due to non-compliance with approval conditions related to fire safety and such consideration should be taken into account by the Board (**Appendices V-1** and **V-2**).

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse for storage of construction materials, food provisions, vehicles, vehicle parts and electronic products for a period of three years at the Site 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 Development, the Site falls within an area partly zoned “Residential – Zone 2 (Subsidised Sale

Flats with Commercial)” and partly within an area shown as ‘Road’ under the Third Phase 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.

- 11.2 The surrounding area comprises predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, agricultural land, unused land and vacant land/structures (**Plan A-2**). While there are scattered residential structures in the vicinity, the applied use is generally not incompatible with the surrounding uses.
- 11.3 Concerned government departments consulted, including the C for T, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no adverse comment on the application from traffic, environmental, fire safety and drainage aspects 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 The Site was involved in six previous applications for various temporary warehouse uses, which were approved with conditions each for a period of three years by the Committee between 2006 and 2021. However, the planning permissions of three of them, including the last two applications (No. A/YL-TYST/941 and 1100), were revoked between 2007 and 2023 due to non-compliance with time-limited approval conditions regarding submission and/or implementation of FSIs proposal. The current application is submitted by the same applicant as the last two previous applications with similar layout and development parameters. Nevertheless, the applicant has provided justification for non-compliance with approval condition of the last previous application (No. A/YL-TYST/1100) and has also submitted a FSIs proposal in support of the current application (**Drawing A-5**), which was considered acceptable by the D of FS. 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 Six previous approvals for various temporary warehouse uses have been granted to the Site and 82 similar applications within/straddling the subject “U” zone have been approved in the past five years. While there were two similar applications in the subject “U” zone rejected on the grounds that approval of the applications 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 11.4 above. Approval of the current application is generally in line with the Committee’s previous decisions.

- 11.6 There are two public comments objecting to/raising concerns on the application 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, the Planning Department considers that the applied use could be tolerated for a period of three years.
- 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 20.12.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval conditions

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 20.3.2025;
- (c) the implementation of the accepted 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 20.9.2025;
- (d) if the above planning condition (a) 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
- (e) if any of the above planning condition (b) or (c) 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**

<b>Appendix I</b>	Application Form with attachments received on 22.5.2024
<b>Appendix Ia</b>	FI received on 5.6.2024
<b>Appendix Ib</b>	FI received on 6.9.2024
<b>Appendix Ic</b>	FI received on 7.11.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 and V-2</b>	Public Comments
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	Proposed Tree Preservation and Landscape Plan
<b>Drawing A-4</b>	As-built Drainage Plan
<b>Drawing A-5</b>	FSIs Proposal
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
DECEMBER 2024**