

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1279

- Applicant** : Merrily Development and Investment Company Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 773 (Part) and 774 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long
- Site Area** : 4,820 m² (about) (including GL of about 526 m² (about 10.9%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse for Storage of Electronic Parts, Construction Materials and Vehicle Parts for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of electronic parts, construction materials and vehicle parts 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 currently hard paved, fenced-off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**).
- 1.2 The Site with four ingress/egress points along the eastern boundary 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 electronic parts (including computer and table parts), construction materials (including pipes, tiles and sanitary wares, etc.) and vehicle parts. There are a total of 19 structures within the Site, including ten single-storey structures (not exceeding 8.5m in height) with a total floor area of 2,208m² for temporary warehouse uses, and nine single-storey structures (not exceeding 3m in height) with a total floor area of 154m² for electricity meter room, toilet and site office uses. No second-hand electronic goods and recyclable materials will be stored and no workshop activity will be carried out at the Site. Two parking spaces, one each for light goods vehicle (LGV) and

medium goods vehicle (MGV), and two loading/unloading (L/UL) spaces for LGV are provided. Plans showing the vehicular access leading to the Site, site layout, drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was, in whole or in part, involved in 11 previous applications for various temporary warehouse uses 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 previous application submitted by the same applicant (No. A/YL-TYST/1097)¹, the current application is submitted for the same temporary warehouse use on the same site with similar layout and development parameters. A comparison of the major development parameters of the current application and that previous application (No. A/YL-TYST/1097) is summarised as follows:

Major Development Parameters	Previously Approved Application No. A/YL-TYST/1097 (a)	Current Application No. A/YL-TYST/1279 (b)	Difference (b)-(a)
Applied Use	Temporary Warehouse for Storage of Electronic Parts, Construction Materials and Vehicle Parts for a Period of 3 Years		---
Site Area	About 4,820 m ²		---
Total Floor Area (Non-domestic)	About 2,362 m ²		---
No. and Height of Structures	19 • for warehouses, electricity meter rooms, toilets and site offices (3 - 8.5m, 1 storey)		---
No. of Parking Space(s)	Nil	1 (for LGV) (7m x 3.5m) 1 (for MGV) (11m x 3.5m)	+2
No. of L/UL Spaces	2 (for LGVs) (7m x 3.5m each)		---
Operation Hours	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays		---

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

- (a) Application Form with attachments received on 19.7.2024 **(Appendix I)**
 - (b) Further Information (FI) received on 31.7.2024* **(Appendix Ia)**
 - (c) FI received on 8.11.2024* **(Appendix Ib)**
 - (d) FI received on 30.12.2024* **(Appendix Ic)**
- * *accepted and exempted from publication and recounting requirements*

¹ The last approved application (No. A/YL-TYST/1263) is submitted by a different applicant for similar temporary warehouse use covering only the northern portion of the Site.

- 1.5 On 8.9.2024 and 20.12.2024, 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 has been the subject of previous planning permissions since 2015. The previous planning permission under application No. A/YL-TYST/1097 was revoked and a fresh application is submitted;
- (b) the temporary use would not jeopardise the long-term planning intention of the “U” zone;
- (c) a number of open storage and port back-up uses with similar planning circumstances have been approved by the Board in the vicinity of the Site. The development is compatible with the surrounding environment. Besides, there is a shortage of land for port back-up use in the area; and
- (d) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied use. The implementation of drainage facilities has been completed at the Site. All the stored items will be housed within enclosed structures and no operation will be held during sensitive hours.

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 Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in 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, in whole or in part, involved in 11 previous applications (No. A/YL-TYST/715, 718, 722, 735, 843, 876, 909, 910, 1060, 1097 and 1263) for temporary warehouse of various storage items with/without other uses. All 11 applications were approved with conditions each for a period of three years by the Committee between 2015 and 2024 mainly on the considerations that the proposals were 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 the departmental concerns could be addressed

by imposing approval conditions. However, the planning permissions for eight of them² were subsequently revoked between 2016 and 2024 due to non-compliance with time-limited approval conditions. 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 73 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 73 similar applications, 72 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those mentioned in paragraph 5 above. However, the planning permissions for 20 of them were subsequently revoked due to non-compliance with time-limited approval conditions.
- 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.
- 6.4 For Members’ information, applications No. A/YL-TYST/1293 (for proposed temporary warehouse for storage of general goods for a period of three years), A/YL-TYST/1298 (for temporary warehouse for storage of construction materials for a period of three years), A/YL-TYST/1299 (for temporary warehouse for storage of non-staple food for a period of three years), A/YL-TYST/1300 (for temporary warehouse for storage of exhibition materials for a period of three years) and A/YL-TYST/1301 (for temporary warehouse for storage of vehicle parts and general goods for a period of three years) within the subject “U” zone will also be considered at this meeting (**Plan A-1a**).

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

- 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 currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**).
- 7.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):

² Including two applications No. A/YL-TYST/1060 and 1097 which were submitted by the same applicant covering the same site as the current application. Both planning permissions were subsequently revoked in 2021 and 2023 respectively due to non-compliance with time-limited approval conditions related to the implementation of drainage and/or FSIs proposals.

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, workshops, graves, agricultural land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to the immediate north of the Site; and
- (c) some warehouses are covered with valid planning permissions while some other uses in the vicinity are suspected UD's 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

- 9.1 Apart from the government departments 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 are provided in **Appendices III** and **IV** respectively.

- 9.2 The following government department does not support the application:

Environment

- 9.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located to its immediate north) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) 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 IV**.

- 9.3 The following government department conveyed local views on the application:

District Officer's Comments

9.3.1 Comments of the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD):

his office received one reply from locals objecting to the application on the grounds that the Site is a Tso/Tong's land under multiple ownership and the current applicant did not obtain consent from all relevant stakeholders prior to submission of the current application³ (**Appendix V**).

10. Public Comments Received During the Statutory Publication Period

On 26.7.2024, the application was published for public inspection. During the statutory public inspection period, 76 public comments were received, including 75 raised objection to the application mainly on the grounds as those mentioned in paragraph 9.3.1 above (**Appendix VI-1**) and the remaining one expressed concerns that the Site was the subject of previous revocation of planning permissions due to non-compliance with approval conditions related to drainage and fire safety aspects and such consideration should be taken into account by the Board (**Appendix VI-2**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of electronic parts, construction materials and vehicle parts 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, part of the Site falls within an area partly zoned "Residential – Zone 2 (Subsidised Sale Flats with Commercial)" and "Amenity" under the Third Phase of YLS Development. The remaining portion of the Site falls within the possible expansion of the YLS Development Area which is currently under review together with YLS Third Phase Development. 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 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 area comprises predominantly warehouses and open storage/storage yards with scattered residential structures, workshops, graves, agricultural land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding uses.
- 11.3 Concerned government departments consulted, including C for T, 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

³ The same public comment conveyed by DO(YL), HAD was also received by the Secretariat of the Board during the statutory public inspection period.

application from traffic, fire safety and drainage aspects respectively. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located to its immediate north) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, thus environmental nuisance is expected. Nonetheless, no environmental complaint concerning the Site has been received by DEP in the past three years. Should the 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. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other concerned government departments.

- 11.4 The Site was, in whole or in part, involved in 11 previous applications, including two of them (No. A/YL-TYST/1060 and 1097) submitted by the same applicant for the same use which were approved with conditions each for a period of three years by the Committee in 2020 and 2021. However, the planning permissions were subsequently revoked in 2021 and 2023 respectively due to non-compliance with time-limited approval conditions related to the implementation of drainage and/or FSIs proposals. In this regard, the applicant has submitted drainage and FSIs proposals in support of the current application (**Drawings A-3 and A-4**), which are considered acceptable by CE/MN, DSD and D of FS respectively. 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.
- 11.5 Given that 11 previous approvals for similar temporary warehouse uses have been granted to the Site and 72 similar applications within/straddling the subject “U” zone have been approved in the past five years, approval of the current application is in line with the previous decisions of the Committee. While there was one similar application 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.
- 11.6 Regarding the objections/concerns as summarised in paragraphs 9.3.1 and 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. Regarding the concerns in relation to the occupation of Tso/Tong’s land without consent, the applicant has complied with the requirements as set out in the TPB PG-No. 31B as detailed in paragraph 3 above. Should the application be approved, the applicant is also advised to resolve any land issues with the concerned owner(s) of the Site and liaise with the locals to address their concerns.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the local comment conveyed by DO(YL), HAD and the public comments mentioned in paragraphs 9.3.1 and 10 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 28.2.2028. 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 28.11.2025;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 28.11.2025;
- (d) 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
- (e) if any of the above planning condition (a) 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 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding areas.

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 19.7.2024
Appendix Ia	FI received on 31.7.2024
Appendix Ib	FI received on 8.11.2024
Appendix Ic	FI received on 30.12.2024
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Local View conveyed by DO(YL), HAD
Appendices VI-1 and VI-2	Public Comments
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Drainage Plan
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
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**