

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1293

- Applicant** : Nice China Enterprise Limited represented by Top Bright Consultants Limited
- Site** : Lots 1198 S.C (Part) and 1198 S.F (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
- Site Area** : 1,228 m² (about)
- 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** : Proposed Temporary Warehouse for Storage of General Goods for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of general goods 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 bisected into two portions by a local track. Both portions are currently paved, fenced off, partly vacant and partly occupied by open storage of construction materials without valid planning permission (**Plans A-2 to A-4b**).
- 1.2 Both portions of the Site with the ingress/egress points are accessible from Kung Um Road via the local track bisecting the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, the proposed use is for storage of general goods (including tissue paper, toilet roll paper and kitchen paper towels, etc.). Eight single-storey structures (not exceeding 2.5m to 8.4m in height) with a total floor area of 740m² will be provided for warehouses, canopy, washrooms and meter room uses. One loading/unloading space for light goods vehicle (LGV) not exceeding 5.5 tonnes is provided for delivery of goods and no medium and heavy goods vehicles will be allowed to enter the Site. No electronic goods will be stored and no workshop activity will be carried out at the Site. 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 three previous applications including two applications (No. A/YL-TYST/960 and 1174) for temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2019 and 2022 respectively (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1174), the current application is submitted by the same applicant for the same use at a smaller 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 :

| Major Development Parameters | Last Approved Application No. A/YL-TYST/1174 (a) | Current Application No. A/YL-TYST/1293 (b) | Difference (b)-(a) |
|-------------------------------------|---|---|-------------------------------|
| Proposed Use | Temporary Warehouse for Storage of General Goods for a Period of 3 Years | | --- |
| Site Area | About 1,255 m ² | About 1,228 m ² | -27 m ² (-2.2%) |
| Total Floor Area (Non-domestic) | About 801 m ² | About 740 m ² | -61 m ² (-7.6%) |
| No. and Height of Structures | 8 • for warehouses, canopy, washrooms and meter room (2.5 – 8.4m, 1 storey) | | --- |
| No. of Parking Space | Nil | | --- |
| No. of Loading/Unloading Space | 1 (for LGV) (7m x 3.5m) | | --- |
| Operation Hours | 10:00 a.m. to 4:00 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 received on 8.11.2024 (Appendix I)
 - (b) Supplementary Planning Statement (Appendix Ia)
 - (c) Further Information (FI) received on 7.1.2025* (Appendix Ib)
 - (d) FI received on 28.1.2025* (Appendix Ic)
 - (e) FI received on 17.2.2025* (Appendix Id)
- * accepted and exempted from publication and recounting requirements*

- 1.5 On 20.12.2024, the Committee 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 Supplementary Planning Statement and FI (**Appendices Ia to Id**). They can be summarised as follows:

- (a) the Site is the subject of two previous planning permissions for the same use, which were subsequently revoked due to non-compliance with time-limited approval condition on implementation of FSIs proposal. A short term waiver (STW) application had been submitted to the Lands Department (LandsD) by the applicant in 2020 to erect new structures on the Site and the implementation of the FSIs proposal could not be proceeded due to the pending approval of the STW application;
- (b) the temporary use under application would not jeopardise the long-term planning intention of the area;
- (c) a number of similar applications have been approved by the Board in the vicinity of the Site. The proposed use is compatible with the surrounding environment;
- (d) there will be a shortage of land for warehouse use in the future due to planned new development area projects and other known developments; and
- (e) there will be no adverse environmental, noise, visual, drainage and traffic impacts arising from the proposed use.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is one of the “current land owners” 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.

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

- 5.1 The Site was involved in three previous applications, including two approved applications (No. A/YL-TYST/960 and 1174) for the same temporary warehouse use covering a slightly larger site. The remaining application (No. A/YL-TYST/212) is for temporary open storage use, and its considerations are not relevant to the current application which involves a different use. Details of these previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

- 5.2 Applications No. A/YL-TYST/960 and 1174, which were submitted by the same applicant of the current application, were approved with conditions each for a period of three years by the Committee in 2019 and 2022 respectively mainly on the considerations that the proposal 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, both planning permissions were subsequently revoked in 2022 and 2024 due to non-compliance with time-limited approval condition regarding the implementation of FSIs proposal.

6. Similar Applications

- 6.1 A total of 75 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 75 similar applications, 74 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 22 of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining application was rejected by the Committee in 2021 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.
- 6.4 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/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-4b)

- 7.1 The Site is:
- (a) bisected by a local track into two portions;
 - (b) accessible from Kung Um Road via the local track (**Plans A-2 and A-3**); and
 - (c) paved, fenced off, partly vacant and partly occupied by the open storage of construction materials 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**):

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshop, shrubland and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to the immediate south of the western portion of the Site; and
- (c) some warehouses or open storage/storage yards are covered with valid planning permissions while some other uses in the vicinity are suspected UDIs 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 Comment Received During the Statutory Publication Period

On 15.11.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the grounds that application with repeated revocations due to non-compliance with approval condition should not be tolerated (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse for storage of general goods for a period of three years at the Site zoned “U” on the OZP. The proposed 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 zoned “Other Specified Uses

(Mixed Use)” under the Third Phase of YLS 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, vehicle repair workshop, shrubland and vacant land/structures (**Plan A-2**). The proposed use is generally not incompatible with the surrounding uses.
- 11.3 Concerned government departments consulted, including C for T, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of 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 two previous applications (No. A/YL-TYST/960 and 1174) for the same temporary warehouse use submitted by the same applicant with similar layout and development parameters, which were approved with conditions each for a period of three years by the Committee in 2019 and 2022 respectively. However, the planning permissions were revoked in 2022 and 2024 respectively due to non-compliance with time-limited approval condition regarding implementation of FSIs proposal. Nevertheless, the applicant has provided justification for non-compliance with approval condition of the last two previous applications and has also submitted a FSIs proposal in support of the current application (**Drawing A-5**), which is considered acceptable by D of FS. 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 Two previous approvals for temporary warehouse use have been granted to the Site and 74 similar applications within/straddling the subject “U” zone have been approved in the past five years. 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. Approval of the current application is generally in line with the Committee’s previous decisions.
- 11.6 Regarding the concerns as summarised in paragraph 10 above, the planning considerations and assessments 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 comment mentioned in paragraph 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 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

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| Appendix I | Application Form received on 8.11.2024 |
| Appendix Ia | Supplementary Planning Statement |
| Appendix Ib | FI received on 7.1.2025 |
| Appendix Ic | FI received on 28.1.2025 |
| Appendix Id | FI received on 17.2.2025 |
| Appendix II | Previous and Similar Applications |
| Appendix III | Government Departments' General Comments |
| Appendix IV | Recommended Advisory Clauses |
| Appendix V | Public Comment |
| Drawing A-1 | Vehicular Access Plan |
| Drawing A-2 | Proposed 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 |
| Plans A-4a and A-4b | Site Photos |

**PLANNING DEPARTMENT
FEBRUARY 2025**