

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1299

- Applicant** : Mr. CHAN Chung Lung Ben
- Site** : Lots 1220 RP (Part) and 1223 RP (Part) in D.D. 119 and Adjoining Government Land (GL), Kung Um Road, Shap Pat Heung, Yuen Long
- Site Area** : 358.88 m² (about) (including GL of about 6.22 m² (1.7%))
- 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 Non-staple Food for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of non-staple food 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 paved, fenced-off and 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 southeastern part is accessible from Kung Um Road (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of non-staple food. Three single-storey structures (not exceeding 2.7m to 3.6m in height) with a total floor area of about 202.5m² are provided for warehouses and site office uses. One loading/unloading space for light goods vehicle (LGV) is provided. Plans showing site layout, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site was involved in five previous applications (No. A/YL-TYST/505, 637, 752, 932 and 1138) for the same temporary warehouse use which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2010 and 2022 (details at paragraph 5 below). Compared with the last

application (No. A/YL-TYST/1138), 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 358.88 m ²
Total Floor Area (Non-domestic)	About 202.5 m ²
No. and Height of Structures	3 • for warehouses and site office (2.7 – 3.6m, 1 storey)
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for LGV) (5m x 2.5m)
Operation Hours	8:00 a.m. to 6:00 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 6.1.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 13.1.2025 (Appendix Ia)
- (c) Further Information (FI) received on 21.2.2025 (Appendix Ib)
[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 (Appendix I). They can be summarised as follows:

- (a) the layout and development parameters of the current application is the same as the last application (No. A/YL-TYST/1138); and
- (b) all the approval conditions of the last application had been complied with.

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 from all ‘current land owners’. 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 involved in five previous applications (No. A/YL-TYST/505, 637, 752, 932 and 1138) for the same temporary warehouse use. All five applications were approved with conditions each for a period of 3 years by the Committee between 2010 and 2022 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 jeopardise the long-term development of the area; and the departmental concerns could be addressed by imposing approval conditions. However, the planning permissions for two of them were subsequently revoked due to non-compliance with time-limited approval conditions. As for the last application (No. A/YL-TYST/1138), all the time-limited approval conditions have been complied with and the planning permission lapsed on 29.1.2025. 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 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 2020 and 2024 mainly on similar considerations as those mentioned in paragraph 5 above. However, the planning permissions for 23 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/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/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) accessible from Kung Um Road (**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**):

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, logistic use, a refuse collection point, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 30m to its northeast; and
- (c) some warehouses are covered with valid planning permissions while some 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

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 14.1.2025, 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 non-staple food 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 partly within an area zoned “Local Open Space” under the Third Phase of YLS Development and partly within an area shown as ‘Road’ under the Second 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. 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.

- 11.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, logistic use, a refuse collection point, unused 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 Environmental Protection, Director of Fire Services 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 Given that five previous approvals for the same temporary warehouse use have been granted to the Site from 2010 to 2022 and 74 similar applications within/straddling the subject “U” zone have been approved in the past five years, approval of the current application is generally in line with the Committee’s previous decisions.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 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 submission of a run-in/out proposal within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 28.8.2025;
- (b) in relation to (a) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 28.11.2025;

- (c) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 28.5.2025;
- (e) 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 28.8.2025;
- (f) in relation to (e) 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 28.11.2025;
- (g) if the above planning condition (c) 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
- (h) if any of the above planning condition (a), (b), (d), (e) or (f) 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

Appendix I	Application Form with attachments received on 6.1.2025
Appendix Ia	SI received on 13.1.2025
Appendix Ib	FI received on 21.2.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments

Appendix IV	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	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**