

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1301

- Applicant** : Yat Cheong (China) Development Limited represented by Top Bright Consultants Limited
- Site** : Lots 1544 (Part), 1545 (Part), 1547, 1548, 1574 (Part), 1575 (Part) and 1576 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long
- Site Area** : 3,807 m² (about) (including GL of about 109 m² (about 2.9%))
- 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 Vehicle Parts and General Goods for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of vehicle parts and 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 currently paved, partly fenced off and occupied by the applied use, with the northern part covered by a 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 via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there are a total of 14 structures within the Site, including two single-storey structures (not exceeding 6.8m to 7.5m in height) with a total floor area of 1,676m² for warehouse uses¹, and 12 single-storey structures (not exceeding 2.65m to 7.5m in height) for meter rooms, canopy, rain shelters and site office uses. One parking space for light goods vehicle (LGV) and two loading/unloading (L/UL)

¹ According to the applicant, the warehouse at the northern portion of the Site is for storage of general goods, while that at the southern portion is for storage of vehicle parts.

spaces for medium goods vehicles (MGVs) are provided. No heavy goods vehicles will be allowed to enter the Site and no workshop activity will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout 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 17 previous applications including nine (No. A/YL-TYST/391, 534, 605, 749, 861, 923, 1054, 1122 and 1244) for various temporary warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2008 and 2023 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1244), the current application is submitted by the same applicant for similar warehouse use on a larger site with different site 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/1244 (a)	Current Application No. A/YL-TYST/1301 (b)	Difference (b)-(a)
Applied Use(s)	Temporary Warehouse for Storage of Documents and Office Supplies for a Period of 3 Years	Temporary Warehouse for Storage of Vehicle Parts and General Goods for a Period of 3 Years	Change in stored items
Site Area	About 1,691 m ²	About 3,807 m ²	+2,116 m ²
Total Floor Area (Non-domestic)	About 888.5 m ²	About 2,254 m ²	+1,365.5 m ²
No. and Height of Structures	8 • for warehouse, meter rooms, rain shelters and site office (2.65 – 6.8m, 1 storey)	17 • for warehouses, meter rooms, canopy, rain shelters and site office (2.65 – 7.5m, 1 storey)	+9
No. of Parking Space	1 (for LGV) (7m x 3.5m)		---
No. of L/UL Space(s)	Nil	2 (for MGVs) (11m x 3.5m)	+2
Operation Hours	9:00 a.m. to 7:00 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 10.1.2025 **(Appendix I)**
(b) Supplementary Planning Statement **(Appendix Ia)**

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement **(Appendix Ia)**. They can be summarised as follows:

- (a) the Site is the subject of two previous applications (No. A/YL-TYST/1122 and 1244) submitted by the same applicant. A fresh application is submitted to fulfil Fire Services Department's requirement arising from the shared use of FS water tank and pump room for both applications;
- (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 applied 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 applied use. All existing trees within the Site will be preserved by the applicant.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not a "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. 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

- 5.1 The Site was, in part or in whole, involved in 17 previous applications, including nine approved applications (No. A/YL-TYST/391, 534, 605, 749, 861, 923, 1054, 1122 and 1244) for temporary warehouse of various storage items. The remaining applications (No. A/YL-TYST/173, 216, 319, 354, 355, 487, 677, 739) are for various temporary open storage or vehicle repair workshop uses, and their 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 All nine applications for temporary warehouse uses were approved with conditions each for a period of three years by the Committee between 2008 and 2023 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, the planning permissions for two of them

were subsequently revoked in 2011 and 2012 respectively due to non-compliance with time-limited approval conditions.

- 5.3 As for the last approved application No. A/YL-TYST/1244 which covers the northern part of the Site, the approval conditions regarding the submission and implementation of FSIs proposal are yet to be complied with and the planning permission is valid until 22.12.2026.

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 5.2 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/1299 (for temporary warehouse for storage of non-staple food for a period of three years) and A/YL-TYST/1300 (for temporary warehouse for storage of exhibition materials 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 via a local track (**Plans A-2 and A-3**); and
- (b) paved, partly fenced off and currently occupied by the applied use with the northern part covered by a valid planning permission under Application No. A/YL-TYST/1244 (**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, parking of vehicles, car servicing, 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 west 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 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 department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments 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 west) (**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**.

10. Public Comment Received During the Statutory Publication Period

On 17.1.2025, 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 vehicle parts and general goods 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 “Other Specified Uses (Mixed Use)”, “Residential – Zone 2 (with Commercial)” and “Local Open Space” 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 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, parking of vehicles, car servicing, agricultural land, unused land and vacant land/structures (**Plan A-2**). 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 and Chief Engineer/Mainland North of Drainage Services Department have no objection to/no adverse comment on the 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 west) (**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 Given that nine 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 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 existing drainage facilities 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 28.5.2025;
- (c) 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;
- (d) in relation to (c) 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;
- (e) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 received on 10.1.2025
Appendix Ia	Supplementary Planning Statement
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawings A-3 and 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**