

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1303

- Applicant** : Mr. CHEUNG Fook Wo represented by Metro Planning and Development Company Limited
- Site** : Lots 990 (Part), 991 (Part), 994 (Part), 1024 (Part), 1025 and 1026 (Part) in D.D. 119 and Adjoining Government Land (GL), Pak Sha Tsuen, Yuen Long
- Site Area** : 687 m² (about) (including GL of about 169 m² (24.6%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined” (“U”)
- Application** : Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials 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-4**).
- 1.2 The Site with the ingress/egress at the northern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of construction materials (including tiles and wooden molds, etc.). Two single to two-storey structures (not exceeding 7m in height) with a total floor area of about 534m² are provided for warehouse, site office and toilet uses. One loading/unloading space (L/UL) for light goods vehicle (LGV) is provided. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, will be allowed to enter the Site. No repairing, dismantling, cleaning or other workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout and as-built drainage plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in four previous applications including one (No. A/YL-TYST/1108) for similar temporary warehouse use approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 (details at paragraph 5 below). Compared with the last approved application (No. A/YL-TYST/1108), the current application is submitted by the same applicant for similar warehouse 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:

Major Development Parameters	Last Approved Application No. A/YL-TYST/1108 (a)	Current Application No. A/YL-TYST/1303 (b)	Difference (b)-(a)
Applied Use(s)	Temporary Warehouse for Storage of Stage Equipment for a Period of 3 Years	Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years	Change in stored items
Site Area	About 687 m ²		---
Total Floor Area (Non-domestic)	About 954 m ²	About 534 m ²	-420 m ² (-44%)
No. and Height of Structures	2 • for warehouse, site office and toilet (7m, 1 – 2 storey(s))		---
No. of Parking Space	Nil		---
No. of L/UL Space	1 (for LGV) (7m x 3.5m)		---
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 applicants have submitted the following documents:

- (a) Application Form with attachments received on 27.1.2025 (**Appendix I**)
- (b) Further Information (FI) received on 10.3.2025 (**Appendix Ia**)
[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 and FI (**Appendices I and Ia**). They can be summarised as follows:

- (a) the Site is the subject of four previous applications and all the approval conditions of the last planning application No. A/YL-TYST/1108 have been complied with. A fresh application is submitted as there is a change in stored items at the Site;
- (b) the temporary use under application would not jeopardise the long-term planning intention of the area;

- (c) a number of open storage and warehouse 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 TYST area;
- (d) a short term waiver (STW) application will be submitted to regularise the unauthorised structure(s) at the Site; and
- (e) 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 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 four previous applications, including one application (No. A/YL-TYST/1108) for similar temporary warehouse use. The remaining applications (No. A/YL-TYST/561, 592 and 640) are for temporary open storage 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 Application No. A/YL-TYST/1108 was approved with conditions for a period of three years by the Committee in 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 jeopardise the long-term development of the area; and the departmental concerns could be addressed by imposing approval conditions. All the time-limited approval conditions of the last application have been complied with and the planning permission lapsed on 25.9.2024.

6. Similar Applications

- 6.1 A total of 80 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 80 similar applications, 79 were approved by the Committee between 2020 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, application No. A/YL-TYST/1304 (for renewal of planning approval for temporary warehouse and open storage of exhibition materials and construction materials with ancillary office 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-4)

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-4**).

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, car servicing, unused land and vacant land;
- (b) there are residential structures in the vicinity of the Site with the nearest one located about 10m to its east; and
- (c) some warehouses and open storage/storage yard 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 has adverse comments on the application:

Land Administration

Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) he has reservation on the planning application since there is/are unauthorised structure(s) and/or uses on Lot 1024 in D.D. 119 which is/are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (b) no permission is given for occupation of GL (about 169m² as mentioned in the application form) included in the Site. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28).

10. Public Comment Received During the Statutory Publication Period

On 7.2.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from the Chairman of the Yuen Long Town Centre & Rural East Area Committee who did not express any comment on the application (**Appendix V**).

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse for storage of construction materials 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 from traffic engineering perspective. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls within an area zoned "District Open Space" 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 areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, car servicing, unused land and vacant land (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding uses.
- 11.3 Other concerned government departments consulted, including the 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 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 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site which is/are already subject to lease enforcement actions, the applicant indicates that a STW will be applied from DLO/YL, LandsD upon approval of the application to regularise the unauthorised structure(s) at the Site (**Appendix Ia**). The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 Given that a previous approval for similar temporary warehouse use has been granted to the Site in 2021 and 79 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 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 14.3.2028. 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 14.6.2025;

- (c) the submission of a 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 14.9.2025;
- (d) in relation to (c) above, the implementation of the 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 14.12.2025;
- (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 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 27.1.2025
Appendix Ia	FI received on 10.3.2025
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	Site Layout Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan

Plan A-3

Aerial Photo

Plan A-4

Site Photos

**PLANNING DEPARTMENT
MARCH 2025**