

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1304

<u>Applicants</u>	:	Mr. FONG Man Lee and Ms. CHU Tat Kiu represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lot 1876 RP (Part) in D.D. 117 and Adjoining Government Land (GL), Kung Um Road, Yuen Long
<u>Site Area</u>	:	739 m ² (about) (including GL of about 164 m ² (about 22.2%))
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
<u>Zoning</u>	:	“Undetermined” (“U”)
<u>Application</u>	:	Renewal of Planning Approval for Temporary Warehouse and Open Storage of Exhibition Materials and Construction Materials with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek 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 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 uses with valid planning permission under application No. A/YL-TYST/1140 until 22.3.2025 (**Plans A-1a to A-4b**).
- 1.2 The Site with the ingress/egress at the southeastern part is accessible from Kung Um Road (**Plans A-2a and A-3**). According to the applicants, there are five structures with a total floor area of about 456m² within the Site, including four single-storey structures (not exceeding 3 to 3.5m in height) for warehouse, rain shelter, guard room, toilets and meter room uses and one two-storey structure (not exceeding 6.5m in height) for site office use. The area used for open storage use is about 180m² (i.e. about 24.4% of the site area). Plans showing the site layout, as-

built drainage plan and fire service installations (FSIs) proposal submitted by the applicants are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site was involved in nine previous applications including six (No. A/YL-TYST/408, 630, 663, 779, 947 and 1140) for various temporary storage uses with/without ancillary office use approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2008 and 2022 (details at paragraph 6 below). Compared with the last application (No. A/YL-TYST/1140) submitted by one of the current applicants, the current application is 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 739 m ²
Total Floor Area (Non-domestic)	About 456 m ²
No. and Height of Structures	5 • for site office, rain shelter, warehouse, toilets, guard room and meter room (3 – 6.5m, 1 – 2 storey(s))
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for van-type light goods vehicle) (5m x 2.5m)
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 23.1.2025 (**Appendix I**)
- (b) Supplementary Information (SI) received on 27.1.2025 (**Appendix Ia**)
- (c) Further Information (FI) received on 10.3.2025 (**Appendix Ib**)
[accepted and exempted from publication and recounting requirements]

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form, SI and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site has been the subject of six previous planning permissions for similar storage uses since 2008. The applied uses and layout of the current application remain unchanged as the last approved application No. A/YL-TYST/1140;
- (b) the applied open storage use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance” (TPB PG-No. 13G);
- (c) the temporary uses would not jeopardise the long-term planning intention of the area;

- (d) a number of open storage and port back-up uses have been approved by the Board in the vicinity of the Site and their planning circumstances are similar to that of the Site. The applied uses are compatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in TYST area;
- (e) the applicants are well aware that the Site is subject to land resumption and they commit to relocate and vacate the existing operations that fall within the land resumption area before the reversion date to the Government; and
- (f) there will be minimal traffic, environmental, noise and drainage impacts arising from the applied uses.

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

The applicants are the sole “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) are relevant to the application. The relevant assessment criteria are at **Appendix II**.

5. Background

The Site is currently not subject to planning enforcement action.

6. Previous Applications

- 6.1 The Site was involved in nine previous applications, including seven applications for various temporary storage uses with/without ancillary office use. Details of these previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Approved Applications

- 6.2 Six applications (No. A/YL-TYST/408, 630, 663, 779, 947 and 1140) for various temporary storage uses with/without ancillary office use were approved with conditions each for a period of one to three years by the Committee between 2008 and 2022 mainly on the considerations that the applied uses were generally in line with the then TPB PG-No. 13E (or its later versions); the proposals were not incompatible with the surrounding areas; approval of the applications 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, one of the planning permissions (No. A/YL-TYST/408) was subsequently revoked in 2010 due to non-compliance with approval condition. As

for the last application (No. A/YL-TYST/1140), all the approval conditions have been complied with and the planning permission is valid until 22.3.2025.

Rejected Applications

- 6.3 Application No. A/YL-TYST/130 for temporary storage of building materials for a period of three years was rejected by the Board on review in 2001 mainly on the considerations that the development was not compatible with the surrounding rural land uses; and the development would generate adverse environmental and drainage impacts on the surrounding areas.
- 6.4 Applications No. A/YL-TYST/384 and 515 were for temporary vehicle repair workshop uses and their considerations are not relevant to the current application which involves a different use.

7. Similar Applications

- 7.1 A total of 94 similar planning applications for various temporary warehouse and/or open storage uses with/without other uses within/straddling the subject “U” zone have been considered by the Committee in the past five years. Details of these similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.
- 7.2 Out of the 94 similar applications, 93 were approved by the Committee between 2020 and 2025 mainly on similar considerations as those mentioned in paragraph 6.2 above. However, the planning permissions for 24 of them were subsequently revoked due to non-compliance with approval conditions.
- 7.3 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.
- 7.4 For Members’ information, application No. A/YL-TYST/1303 (for temporary warehouse for storage of construction materials for a period of three years) within the subject “U” zone will also be considered at this meeting (**Plan A-1a**).

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

- 8.1 The Site is:
 - (a) accessible from Kung Um Road (**Plans A-2a and A-3**); and
 - (b) paved, fenced off and currently occupied by the applied uses with valid planning permission under application No. A/YL-TYST/1140 (**Plans A-2a to A-4b**).
- 8.2 The surrounding areas have the following characteristics (**Plans A-2a and A-3**):

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, a vehicle repair workshop, car park, parking of heavy vehicles, pigsty farm, graves, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to its immediate southwest; and
- (c) some warehouses are covered with valid planning permissions while some other uses in the vicinity are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

- 9.1 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.
- 9.2 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.

10. Comments from Relevant Government Departments

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV** and **V** respectively.
- 10.2 The following government department objects to the application:

Land Administration

- 10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) he objects to the application; and
 - (b) the Site comprises GL and Old Schedule Agricultural Lot which were affected by YLS Development – Second Phase Development. According to Gazette Notice No. 972 gazetted on 21.2.2025, the subject lot shall revert to the Government on 21.5.2025 (the Reversion Date) (**Plan A-2b**). The proposal submitted by the applicants conflicts with the Government’s planned use of the lot after the Reversion Date.

11. Public Comment Received During the Statutory Publication Period

On 4.2.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is 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 at the Site zoned “U” on the OZP. The applied uses are 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 shown as ‘Road’ under the Second Phase of YLS Development. In this regard, DLO/YL, LandsD objects to the application as the Site will be resumed and reverted to the Government on the Reversion Date (**Plan A-2b**) and the applied uses conflict with the planned use of the Site after the Reversion Date. However, 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. Taking account of the planning assessment below, there is no objection to the renewal application for a period of three years. Should the application be approved, the applicant will be advised to cease and clear the operations which fall within the land resumption area before commencement of site formation and infrastructural works to be carried out by the Government.
- 12.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, a vehicle repair workshop, car park, parking of heavy vehicles, pigsty farm, graves, unused land and vacant land/structures (**Plans A-2a** and **A-3**). The applied uses are generally not incompatible with the surrounding land uses.
- 12.3 Noting that all the time-limited approval conditions under the previous approval have been complied with; the three-year approval period sought is reasonable and of the same timeframe as the previous approval; and the planned permanent development would not be pre-empted given the consideration as mentioned in paragraph 12.1 above, the application is considered not in conflict with TPB PG-No. 34D.
- 12.4 Other concerned government departments consulted, including the Director of Environmental Protection (DEP), Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application from environmental, fire safety and drainage aspects respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. Should the planning application be approved, the applicants 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 potential environmental nuisance on the surrounding areas and to keep the Site clean and tidy at all times.
- 12.5 Given that six previous approvals for various temporary storage uses have been granted to the Site from 2008 to 2022 and 93 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 previous decisions of the Committee.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 above, PlanD has no objection to the application.
- 13.2 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 and be renewed from 23.3.2025 to 22.3.2028. 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 commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 23.9.2025;
- (b) in relation to (a) above, the implementation of the run-in/out proposal within **9** months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 23.12.2025;
- (c) the existing drainage facilities on the site 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 23.6.2025;
- (e) 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
- (f) if any of the above planning condition (a), (b) 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 V**.

- 13.3 There is no strong reason to recommend rejection of the application.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 14.2 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.

- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

15. Attachments

Appendix I	Application Form with attachments received on 23.1.2025
Appendix Ia	SI received on 27.1.2025
Appendix Ib	FI received on 10.3.2025
Appendix II	Relevant Extracts of TPB PG-No. 34D
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Drawing A-1	Site Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	FSIs Proposal
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plans A-2a and A-2b	Site Plans
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**