

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1337

<u>Applicant</u>	:	Cosmos Gem Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Lots 1319, 1320 S.A, 1320 RP, 1321 S.A, 1321 S.B and 1322 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	5,080 m ² (about)
<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>	:	“Residential (Group C)” (“R(C)”) <i>[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park (9m)]</i>
<u>Application</u>	:	Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse and open storage of construction machinery and construction materials for a period of three years at the application site (the Site) zoned “R(C)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently paved, fenced-off and occupied by the applied open storage 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 uses are for storage of construction machinery and construction materials (including concrete cubes). Six single to two-storey structures (not exceeding 3.5m to 7m in height) with a total floor area of about 737m² will be provided for open sheds, warehouses, site office, electricity meter room and toilet uses. The area used for open storage use is about 2,680m² (i.e. about 52.8% of the site area). One loading/unloading (L/UL) space for medium/heavy goods vehicle (M/HGV) will

be provided and no container tractors/trailers will be allowed to enter the Site. 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 two previous applications for temporary warehouse and/or open storage uses, including application No. A/YL-TYST/28 covering the southern portion of the Site which was rejected by the Board upon review in 1998, and application No. A/YL-TYST/1259 which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 5.4.2024 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-TYST/1259), the current application is submitted by a different applicant covering a smaller site with different 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/1259 (a)	Current Application No. A/YL-TYST/1337 (b)	Difference (b)-(a)
Proposed/Applied Use(s)	Proposed Temporary Warehouse and Open Storage of Recyclable Materials, Mobile Toilets and Construction Materials for a Period of 3 Years	Temporary Warehouse and Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years	Change in storage items
Site Area	About 5,350 m ²	About 5,080 m ²	-270m ² - (-5.0%)
Total Floor Area (Non-domestic)	About 621.5 m ²	Not more than 737 m ²	+115.5m ² - (+18.6%)
No. and Height of Structures	6 • for warehouses, offices, electricity meter rooms and toilets (4 – 6m, 1 storey)	6 • for open sheds, warehouses, site office, electricity meter room and toilet (3.5 – 7m, 1 – 2 storey(s))	Change in height of structures
No. of Parking Space(s)	2 (for light goods vehicles) (7 m x 3.5 m each)	Nil	-2
No. of L/UL Space(s)	2 (for light goods vehicles) (7 m x 3.5 m each)	1 (for M/HGV) (11m x 3.5m)	-1
Operation Hours	9:00a.m. to 6:00p.m., with no operation on Sundays and Public Holidays	9:00 a.m. to 5:00 p.m., with no operation on Sundays and Public Holidays	Shorter Operation Hours

- 1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 6.10.2025 (**Appendix I**)
- (b) Further Information (FI) received on 27.10.2025* (**Appendix Ia**)

- (c) FI received on 20.11.2025* (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 and FIs (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site was the subject of a previous planning permission under application No. A/YL-TYST/1259. However, due to changes in site layout, the applicant failed to comply with the time-limited approval conditions and a fresh planning application is submitted to reflect the changes;
- (b) the applied uses are 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) 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 uses are not incompatible with the surrounding environment. Besides, there is a shortage of land for open storage and warehouse uses in TYST area;
- (d) septic tank and soakaway system will be provided in accordance with the requirements set out in the Practice Note for Professional Persons (ProPECC) PN 1/23; and
- (e) there will be minimal traffic, environmental and noise impacts arising from the applied uses.

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 Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G. The relevant extracts of the Guidelines are attached at **Appendix II**.

5. **Background**

The storage use on the Site is a suspected unauthorized development (UD) which would be subject to planning enforcement action.

6. **Previous Applications**

- 6.1 The Site was involved in five previous applications, including two applications (No. A/YL-TYST/28 and 1259) for temporary warehouse and/or open storage uses. The remaining three applications (No. A/YL-TYST/736, 821 and 924) are for temporary hydroponics farm, and plant nursery and shop and services uses respectively, and their considerations are not relevant to the current application which involves different uses. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

Rejected Application

- 6.2 Application No. A/YL-TYST/28 for proposed temporary open storage of construction materials, covering the southern part of the Site which was then zoned “Green Belt” (“GB”), was rejected by the Board upon review on 24.7.1998 mainly on the grounds that the proposed development was incompatible with the surrounding areas; the proposed development would encircle a number of existing domestic structures which would be adversely affected by the noise generated by the proposed development and access to these structures would also be denied by the development; no information to demonstrate that the vehicular access arrangement was satisfactory; insufficient information to demonstrate that the development would not generate adverse environmental/drainage impacts; and setting of an undesirable precedent.

Approved Application

- 6.3 Application No. A/YL-TYST/1259 for proposed temporary warehouse and open storage of recyclable materials, mobile toilets and construction materials for a period of three years was approved with conditions by the Committee on 5.4.2024 mainly on the considerations that the proposed uses were generally in line with the TPB PG-No. 13G; 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 the concerns of relevant government departments could be addressed by implementation of approval conditions. However, the planning permission was subsequently revoked in 2025 due to non-compliance with time-limited approval conditions regarding the submission and implementation of drainage proposal.

7. **Similar Applications**

There are 11 similar planning applications (No. A/YL-TYST/1232, 1233, 1235, 1236, 1276, 1305, 1311, 1313, 1315, 1317 and 1320) involving nine sites for various temporary warehouse and/or open storage uses within/straddling the subject “R(C)” zone in the past five years. All applications were approved with conditions by the Committee between 2023 and 2025 mainly on similar considerations as those mentioned in paragraph 6.3

above. Details of these similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, fenced-off and occupied by the applied open storage of construction machinery and materials use without valid planning permission (**Plans A-2 to A-4**).

8.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, parking of vehicles, graves, unused land and vacant land/structures (**Plans A-2 and A-3**).

9. Planning Intention

The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.

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 does not support the application:

Environment

10.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application as the applied uses will involve heavy vehicles and there is a residential building located within 50m of the subject access road leading to the Site, environmental nuisance is expected;
- (b) no substantiated environmental complaint concerning the Site was received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

11. Public Comment Received During the Statutory Publication Period

On 14.10.2025, the application was published for public inspection. During the statutory public inspection period, a public comment was received from an individual objecting to the application that the Site is the subject of previous revocation due to non-compliance with approval conditions under application No. A/YL-TYST/1259 (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary warehouse and open storage of construction machinery and construction materials for a period of three years at the Site zoned “R(C)” on the OZP. While the applied uses are not in line with the planning intention of “R(C)” zone, there is no known development programme or proposal for residential development at the Site. The Site also falls within the possible expansion area of the Yuen Long South (YLS) New Development Area which is currently under review together with YLS Third Phase 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.
- 12.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards with scattered residential structures, parking of vehicles, graves, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied uses are generally not incompatible with the surrounding land uses.
- 12.3 While DEP does not support the application as the applied uses will involve heavy vehicles and there is a residential building located within 50m of the access road leading to the Site thus environmental nuisance is expected, there has been no substantiated environmental complaint concerning the Site in the past three years. Should the planning 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 potential environmental nuisance on the surrounding areas and to keep the Site clean and tidy at all times.
- 12.4 The Site falls within Category 2 areas under TPB PG-No. 13G. The application is generally in line with the TPB PG-No. 13G in that, except DEP, other concerned government departments consulted, including the Commissioner for Transport (C for T), 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 traffic, fire safety and drainage aspects respectively. Concerns from DEP can be addressed as mentioned in paragraph 12.3 above. To address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Given that a previous approval for temporary warehouse and open storage uses has been granted to the Site in 2024 and 11 similar applications within/straddling the subject “R(C)” 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. While there was one previous application (No. A/YL-TYST/28) for temporary open

storage use rejected by the Board upon review in 1998 mainly on the grounds stated in paragraph 6.2 above, the circumstances of the current application are different in that the site of application No. A/YL-TYST/28 was zoned “GB” at the time of consideration and relevant departments including C for T and CE/MN, DSD have no objection to or no adverse comment on the current application as stated in paragraph 12.3 above.

- 12.6 Regarding the public comment as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 above are relevant. For the concern on non-compliance with previous approval conditions, the previous application (No. A/YL-TYST/1259) was submitted by a different applicant with different storage items and site layout compared with the current application. Nevertheless, the current applicant has submitted drainage and FSIs proposals in support of the application and the concerned departments have no objection to or no adverse comment on the application.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 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 until 5.12.2028. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage proposal within **6** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.6.2026;
- (b) in relation to (a) above, the implementation of the revised 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 5.9.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 5.6.2026;
- (e) in relation to (d) 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 5.9.2026;

- (f) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied uses are not in line with the planning intention of the "R(C)" zone, which is primarily for low-rise, low-density residential developments. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied uses would not generate adverse environmental impact on the surrounding areas.

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 applicant.

15. Attachments

Appendix I	Application Form with attachments received on 6.10.2025
Appendix Ia	FI received on 27.10.2025
Appendix Ib	FI received on 20.11.2025
Appendix II	Extract of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Appendix VII	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan

Drawing A-3	Drainage Proposal
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**