

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1334

- Applicant** : Cosmos Gem Limited represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 119 and Adjoining Government Land (GL), Tong Yan San Tsuen, Yuen Long
- Site Area** : 26,400 m² (about) (including GL of about 1,916 m² (7.3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen (TYST) Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Undetermined” (“U”) (about 98.9%); and
“Residential (Group C)” (“R(C)”) (about 1.1%)¹
[Restricted to a maximum plot ratio of 0.4 and a maximum building height of 3 storeys including car park (9m)]
- Application** : Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop for a period of three years at the application site (the Site) which is 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 mainly occupied by the applied use without valid planning permission (**Plans A-2 to A-4d**).
- 1.2 The Site with the ingress/egress at the northeastern part is accessible from Kung Um Road via a local track (**Drawing A-1, Plans A-2 and A-3**). According to the

¹ About 290m² (1.1%) of the Site encroaches upon “R(C)” zone which can be regarded as minor boundary adjustment in accordance with the covering Notes of the OZP and is not included in the planning assessment.

applicant, the applied use is for open storage of construction machinery and materials (including concrete pipes, elevated platform, excavators, etc.), recycling materials (including plastic and metal) and used electrical appliances. The Site is sub-divided into nine units by internal fencing (**Drawing A-3**) and there are 38 structures, including 32 single-storey structures and six two-storey structures (not exceeding 3m to 9m in height), with a total floor area of about 3,782.5m² for storage, workshops, site offices, meter rooms, guard room, pump room and staff resting room uses. The ancillary workshop activities (including collection, compaction, packaging and sorting of plastic and metal) will take place under covered structures equipped with mechanical ventilation system. No burning and melting of recyclable materials, storage and washing of plastic bottles, and handling of electronic or computer waste will be carried out at the Site. No storage and handling of used electrical appliances and cutting, sorting and packaging of recycling materials will be taken place at the open areas within the Site. Nine loading/unloading (L/UL) spaces for medium/heavy goods vehicles (M/HGVs) will be provided within the Site. Plans showing the vehicular access leading to the Site, proposed layout, proposed land use, drainage proposal and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-5** respectively.

- 1.3 The Site was involved in ten previous applications for various temporary open storage uses with/without ancillary workshop, including nine applications approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2023 (details at paragraph 6 below). Compared with the last approved application (No. A/YL-TYST/1213), the current application is submitted by the same applicant for the same use 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/1213 (a)	Current Application No. A/YL-TYST/1334 (b)	Difference (b)-(a)
Applied Use	Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Workshop for a Period of 3 Years		---
Site Area	About 40,000 m ²	About 26,400 m ²	-13,600m ² (-34%)
Total Floor Area (Non-domestic)	About 4,652 m ²	About 3,782.5m ²	-869.5m ² (-18.7%)
No. and Height of Structures	52 • for storage, workshops, site offices, toilets, meter rooms and pump room (4 – 8m, 1 – 2 storey(s))	38 • for storage, workshops, site offices, meter rooms, guard room, pump room and staff resting room (3 – 9m, 1 – 2 storey(s))	-14
No. of Parking Space	Nil		---
No. of L/UL Spaces	14 (for M/HGVs) (7 m x 3.5 m each)	9 (for M/HGVs) (7 m x 3.5 m each)	-5
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 applicant has submitted the following documents:

- (a) Application Form with attachments received on 10.9.2025 (**Appendix I**)
- (b) Further Information (FI) received on 17.10.2025* (**Appendix Ia**)
- (c) FI received on 24.10.2025# (**Appendix Ib**)
- (d) FI received on 30.12.2025* (**Appendix Ic**)
- (e) FI received on 30.1.2026* (**Appendix Id**)

** accepted and exempted from publication and recounting requirements*

accepted but not exempted from publication and recounting requirements

1.5 On 19.12.2025, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

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 Id**). They can be summarised as follows:

- (a) the Site was the subject of nine previous planning permissions for similar open storage use since 1998. However, due to changes in site area and site layout, the applicant failed to comply with the time-limited approval conditions under the previous application No. A/YL-TYST/1213 and a fresh planning application is submitted to reflect the changes;
- (b) the applied 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 use 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 those of the Site. The applied use is not incompatible with the surrounding environment. Besides, there is a shortage of land for port back-up use in TYST area; and
- (e) the applicant pledges to maintain all existing trees within the Site in good condition. 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 publishing notices in local newspapers and sending notice to the Ping Shan and Shap Pat Heung Rural Committees. 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. 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 1 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, in part or in whole, involved in eleven previous applications including ten applications (No. A/YL-TYST/27, 141, 153, 265, 370, 519, 665, 827, 1003 and 1213) for temporary open storage with/without ancillary workshop use. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Rejected Applications

6.2 Application No. A/YL-TYST/266 for temporary waste recycling facilities was rejected by the Board upon review on 21.4.2006 and its considerations are not relevant to the current application which involves a different use.

6.3 Application No. A/YL-TYST/141 for temporary open storage of construction machinery and materials for a period of three years was rejected by the Board upon review on 12.10.2001 mainly on the consideration that there was insufficient information to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas.

Approved Applications

6.4 The remaining nine applications (No. A/YL-TYST/27, 153, 265, 370, 519, 665, 827, 1003 and 1213) for various temporary open storage uses with/without ancillary workshop were approved with conditions each for a period of two or three years by the Committee between 1998 and 2023 mainly on the considerations that the proposals were generally in line with the then TPB PG-No. 13 (or its later versions); the development 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 concerns of relevant government departments could be addressed by implementation of approval conditions. However, the planning permission of the last application (No. A/YL-TYST/1213) was revoked in 2025 due to non-compliance with time-limited approval conditions regarding the submission of a Drainage Impact Assessment (DIA) and implementation of FSIs proposal and the drainage facilities proposed in the DIA.

7. Similar Applications

A total of 18 similar planning applications for various temporary open storage with/without other uses within/straddling the subject “U” zone have been considered by the Committee in the past five years. All applications were approved by the Committee mainly on similar considerations as those mentioned in paragraph 6.4 above. Details of these similar applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1a**.

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

8.1 The Site is:

- (a) accessible from Kung Um Road via a local track (**Plans A-2 and A-3**); and
- (b) currently mainly occupied by the applied use without valid planning permission (**Plans A-2 to A-4d**).

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. Some of the warehouse uses are covered by valid planning permissions (**Plans A-2 and A-3**).

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 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 use will involve heavy vehicles and there are residential buildings located within 100m of the site boundary, environmental nuisance is expected;

- (b) no 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 Comments Received During the Statutory Publication Periods

On 19.9.2025 and 7.11.2025, the application and its FI were published for public inspection. During the statutory public inspection periods, two public comments were received from an individual objecting to the application on the grounds that the previous planning permission under application No. A/YL-TYST/1213 was revoked due to non-compliance with approval conditions and the applied use will generate adverse fire safety impacts on the surrounding areas (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary workshop for a period of three years at the Site which is 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 New Development Area (NDA), majority of the Site falls partly within an area zoned “Residential – Zone 2 (with Commercial)”, “District Open Space” and partly within an area shown as “Road” under the Third Phase of YLS NDA. 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 (with some of them covered by valid planning permissions) 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 use is generally not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 13G in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; and local concerns and technical requirements of relevant government departments could be addressed through the implementation of approval conditions.
- 12.4 Other concerned government departments consulted, including the Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) have no objection to or no adverse comment on the application from fire safety and drainage aspects respectively. DEP does not support the application as the applied use will involve heavy vehicles and there are residential buildings located within 100m of the site boundary, and hence

environmental nuisance is expected. Nonetheless, no environmental complaint concerning the Site has been received by DEP 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. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of other concerned government departments.

- 12.5 The Site was, in whole or in part, involved in ten previous applications for temporary open storage uses with/without ancillary workshop, including nine applications approved by the Committee between 1998 and 2023. However, the planning permission for the last application submitted by the same applicant for the same use (No. A/YL-TYST/1213) was revoked in 2025 due to non-compliance with time-limited approval conditions regarding the submission of a DIA and implementation of FSIs proposal and the drainage facilities proposed in the DIA. In this regard, the applicant has submitted a drainage proposal and a FSIs proposal in support of the current application (**Drawings A-4 and A-5**). The FSIs proposal is considered acceptable by D of FS while CE/MN, DSD has no objection to the current application. As such, sympathetic consideration may be given to the current application. The applicant will be advised that should it fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 12.6 Given that nine previous approvals for temporary open storage with/without ancillary workshop use were granted to the Site and 18 similar applications within/straddling the subject “U” zone had been approved by the Committee in the past five years, approval of the current application is generally in line with the Committee’s previous decisions. There was one previous application rejected by the Board upon review in 2001 mainly on the consideration mentioned in paragraph 6.3 above, which is not applicable to the current application as CE/MN, DSD has no objection to the current application and DEP’s concerns could be addressed by the considerations mentioned in paragraph 12.4 above.
- 12.7 Regarding the public comments as summarised in paragraph 11 above, the planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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 27.2.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a revised drainage impact assessment 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 27.8.2026;

- (b) in relation to (a) above, the implementation of the drainage facilities identified in the revised drainage impact assessment 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 27.11.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 27.11.2026;
- (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 Alternatively, should the Committee decide to reject the application, the following reason for rejection are suggested for Members' reference:

the applicant fails to demonstrate that the applied use 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 10.9.2025
Appendix Ia	FI received on 17.10.2025
Appendix Ib	FI received on 24.10.2025
Appendix Ic	FI received on 30.12.2025
Appendix Id	FI received on 30.1.2026

Appendix II	Extract of the TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Appendix VII	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	Proposed Land Use Plan
Drawing A-4	Drainage Proposal
Drawing A-5	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 to A-4d	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**