

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1363

<u>Applicant</u>	:	Fortune Lunar Development Investment Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	:	Various Lots in D.D. 119, Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	16,110 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>	:	“Undetermined” (“U”)
<u>Application</u>	:	Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop activities for a period of three years at the application site (the Site) falling within an area 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 largely covered by a valid planning permission under application No. A/YL-TYST/1227 until 21.8.2026 (**Plans A-2 to A-4b**).
- 1.2 The Site with the ingress/egress at its eastern part is accessible from Kung Um Road via a local track (**Plans A-2 and A-3**) while another access will be provided at its southwestern part to the adjoining lots. According to the applicant, there are 32 structures comprising 26 single-storey structures, including 15 shelters and 11 structures, and six two-storey structures (not exceeding 7m in height) with a total floor area of about 3,774m² provided for storage, site office, toilet, electrical room and ancillary cutting and packaging activities. The area used for open storage is

about 3,600m² (i.e. about 22.3% of the site area). A parking space for private car and seven loading/unloading (L/UL) spaces for container vehicles will be provided. The operation hours are from 9 a.m. to 5 p.m. from Mondays to Saturdays and there will be no operations on Sundays and public holidays. No ancillary workshop activities will be allowed at the uncovered area of the Site. No dismantling or other workshop activities involving used electrical/electronic appliances and parts and storage/handling of cathode-ray tubes and any other types of electronic waste will be carried out within the Site. The applicant also pledges to maintain all existing trees in good condition. Plans showing the site location, vehicular access leading to the Site, site layout and as-built drainage submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in nine previous applications for various temporary open storage with/without ancillary workshop use, including eight of them approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2003 and 2023 (details at paragraph 6 below). Compared with the last approved application (A/YL-TYST/1227), the current application is submitted by the same applicant for the same use covering a slightly larger 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/1227 (a)	Current Application No. A/YL-TYST/1363 (b)	Difference (b)-(a)
Applied Use	Renewal of Planning Approval for Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	Temporary Open Storage of Building Materials, Construction Machinery, Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years	---
Site Area	About 15,785 m ²	About 16,110 m ²	+325m ² - (+2.1%)
Total Floor Area (Non-domestic)	About 3,474 m ²	About 3,774 m ²	+300m ² (+8.6%)
No. and Height of Structures	31 • for storage, shelter for storage/ancillary cutting/packaging activities, site offices, toilets and electrical rooms (2.5-7m, 1-2 storey(s))	32 • for storage, shelter for storage/ancillary cutting/packaging activities, site offices, toilets, electrical rooms and fire services pump room (2.5-7m, 1-2 storey(s))	+1

No. of Parking Space	1 for private car (5m x 2.5m)	---
No. of L/UL Spaces	7 for container vehicles (16m 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 applicant has submitted the following documents:

- (a) Application Form with attachments received on 10.6.2026 (**Appendix I**)
- (b) Supplementary Information (SI) received on 22.6.2026 (**Appendix Ia**)
- (c) Further Information (FI) received on 13.7.2026 (**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, SI and FI (**Appendices I to Ib**). They can be summarised as follows:

- (a) the Site was the subject of previous planning permissions for open storage use. The current planning application is submitted to reflect the change in layout;
- (b) the applied use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13G);
- (c) the temporary use would not jeopardise the long-term planning intention. 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 use is not incompatible with the surrounding environment. Besides, there is a shortage of land for port back-up purpose in TYST; and
- (d) there will be minimal traffic, environmental 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 published notice in local newspaper and sending notice to the Ping Shan Heung Rural Committee and Shap Pat Heung 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 1 areas under TPB PG-No. 13G. The relevant extracts of the Guidelines are attached at **Appendix II**.

5. **Background**

The Site is currently not subject to planning enforcement action.

6. **Previous Applications**

6.1 The Site was, in part or in whole, involved in nine previous applications for temporary open storage with/without ancillary workshop use covering different extents of the Site. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

Approved Applications

6.2 Eight Applications (No. A/YL-TYST/194, 309, 427, 556, 703, 847, 1042 and 1227) were approved with conditions each for a period of three years by the Committee between 2003 and 2023 mainly on the considerations that the applied/ proposed use was generally in line with the then TPB PG-No. 13 (or its later version); being not incompatible with the surrounding uses; 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. All time-limited approval conditions under the last approved application No. A/YL-TYST/1227 have been complied with and the planning permission is valid till 21.8.2026.

Rejected Application

6.3 Application No. A/YL-TYST/297 was rejected by the Committee in 2005 mainly on the grounds that there were potential adverse environmental and drainage impacts; and the proposal did not comply with the then TPB PG-No.13¹ in that no previous approval had been granted to the site and the proposal was not compatible with the residential structures along the access road.

7. **Similar Applications**

There are 20 similar planning applications for temporary open storage use with/without ancillary workshop use within/straddling the subject “U” zone in the past five years. All these applications were approved by the Committee mainly on similar considerations as mentioned in paragraph 6.2 above. Details of these similar applications are summarised in **Appendix IV** and the locations of the sites are shown on **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 via a local track (**Plans A-2 and A-3**); and

¹ The application site of Application No. A/YL-TYST/297 fell within Category 2 areas under the then TPB PG-No. 13C when the application was considered by the Committee.

- (b) currently paved, fenced-off and occupied by the applied use largely covered by a planning permission under application No. A/YL-TYST/1227 (**Plans A-4a and A-4b**).

8.2 The surrounding areas comprise predominantly warehouses, open storage/storage yards, unused land and vacant land/structures (**Plan A-2**).

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 departments 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 V** and **VI** respectively.

10.2 The following government departments object to or do not support the application:

Land Administration

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

- (a) objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (c) within the Site, the following lots are currently covered by Short Term Waivers (STWs), details of which are listed below; and

Lot No. in D.D. 119	STW No.	Permitted Use
425 RP, 428, 442, 478 and 481	4343	Temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and
426 RP, 477 and 480	4344	
427, 476, 479, 492 and 2157	4345	

429	4346	used electrical/electronic appliances and parts with ancillary workshop activities
440	4347	
441	4348	
443	4349	
475 S.B. and 484	4350	
445	4613	Temporary open storage of building/recycling materials, construction machinery and used electrical/electronic appliances and parts with ancillary packaging activities
475 S.A.	4625	
475 S.A. ss.1	4626	

- (d) as the project pre-clearance survey has been conducted for the Site, DLO/YL, LandsD will not process either regularisation or new application for STW/Short Term Tenancy for this application.

Environment

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

- (a) he does not support the application as there is residential building located within 100m of the site boundary (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) there was 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 VI**.

11. Public Comment Received During the Statutory Publication Period

On 23.6.2026, 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 temporary open storage of building materials, construction machinery, recycling materials (metal, plastic and paper) and used electrical/electronic appliances and parts with ancillary workshop activities 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. Under the Revised Recommended Outline Development Plan of YLS New Development Area, the Site falls within an area zoned “Government”, “Other Specified Uses” annotated “Hillside River Corridor with Scenic Cycle Track”,

“Residential – Zone 2 (with Commercial)”, and partly shown as ‘Road’ under the Third Phase of YLS New Development Area. 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/no adverse comment on 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, open storage/storage yards, 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 technical concerns/requirements of relevant government departments could be addressed by the considerations mentioned in paragraph 12.4 below.
- 12.4 Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from drainage and fire safety perspectives respectively. Relevant approval conditions are recommended in paragraph 13.2 below to address the technical requirements of concerned government departments. While 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, 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 and to keep the Site clean and tidy at all times. Regarding DLO/YL of LandsD’s concern, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 Eight previous approvals for temporary open storage use with/without ancillary workshop use were approved between 2003 and 2023 and 20 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.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12, the Planning Department 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 24.7.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the existing drainage facilities on the site 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 24.10.2026;
- (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 24.1.2027;
- (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 24.4.2027;
- (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 VI**.

- 13.3 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.

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 10.6.2026
Appendix Ia	SI received on 22.6.2026
Appendix Ib	FI received on 13.7.2026
Appendix II	Extract of the TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Location Plan
Drawing A-2	Vehicular Access Plan
Drawing A-3	Site Layout Plan
Drawing A-4	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 Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2026**