

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1366

- Applicant** : Forest Development & Construction Company Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 1318 RP (Part) and 1318 S.A RP (Part) in D.D. 119, Yuen Long
- Site Area** : 1,434 m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Residential (Group C)” (“R(C)”)
[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 Materials 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 materials with ancillary workshop for a period of three years at the application site (the Site) falling within an area 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 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. According to the applicant, the area used for open storage is about 750m² (i.e. about 52.3% of the site area). One single-storey structure (not exceeding 6.5m in height) with a floor area not exceeding 200m² is provided for ancillary workshop for making of concrete blocks. No other workshop activity will be carried out. Two loading/unloading spaces for heavy goods vehicle (HGV) and concrete mixer will be provided. The operation hours are from 9 a.m. to 5 p.m. from Mondays to Saturdays, with no operations on Sundays and public holidays. No container tractor/tailler will be allowed to access/park at the Site. Plans showing

the site location, vehicular access leading to the Site, site layout submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 In support of the application, the applicant has submitted an Application Form with attachments received on 3.7.2026 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form (**Appendix I**). They can be summarised as follows:

- (a) 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);
- (b) planning permission for temporary open storage has been granted to the proximity of the Site, and its planning circumstances are similar to that of the Site. Besides, there is a shortage of land for port back-up purpose in TYST;
- (c) the applied use would not affect the surrounding environment. The ancillary workshop is intended for making of concrete blocks from which no noise will be generated; 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 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 open storage use on the Site is a suspected unauthorized development which would be subject to planning enforcement action.

6. **Previous Applications**

- 6.1 The Site, in part or in whole, was involved in three previous applications, including an application (No. A/YL-TYST/28) for temporary open storage of construction materials.
- 6.2 Application No. A/YL-TYST/28 was rejected by the Board on review in 1998¹ mainly on the considerations that the proposed use was incompatible with the surrounding areas; there was no information to demonstrate that the vehicular access arrangement between Kung Um Road and the site was satisfactory; and there was insufficient information to demonstrate that the development would not generate adverse environmental/drainage impacts on the surrounding areas.
- 6.3 The remaining two applications (No. A/YL-TYST/736 and 821) were for temporary hydroponics farm and plant nursery and shop and services, and their considerations are not relevant to the current application which involves a different use. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1**.

7. **Similar Applications**

There are three similar planning applications (No. A/YL-TYST/1259, 1317 and 1337) for various temporary open storage uses with/without warehouse use within/straddling the subject “R(C)” zone in the past five years. All these applications were approved by the Rural and New Town Planning Committee (the Committee) mainly on the considerations that the 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. Details of the applications are summarised in **Appendix IV** 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 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, vehicle repair workshops, and vacant land (**Plans A-2 and A-3**).

¹ The application site fell within an area zoned “Green Belt” (“GB”) at the time of consideration. On 17.12.1999, the application site and its surrounding areas were subsequently rezoned to “R(C)” on the Draft Tong Yan San Tsuen OZP No. S/YL-TYST/3 on 10.3.2000.

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 government 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 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 there are residential buildings 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 10.7.2026, 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 as the applied use is anticipated to create adverse environmental impacts on the surrounding areas (**Appendix VII**).

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction materials with ancillary workshop for a period of three years at the Site zoned “R(C)” on the OZP. While the applied use is not in line with the planning intention of “R(C)” zone, there is no known development proposal for residential development at the Site for the time being. The Site also falls within the possible expansion 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, vehicle repair workshops, and vacant land (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.
- 12.3 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, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic, fire safety and drainage aspects respectively. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. While DEP does not support the application as the applied use will involve heavy vehicles and there is a residential building located to the immediate south of 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 Three similar applications within/straddling the subject “R(C)” zone had been approved by the Committee in the past five years as mentioned in paragraph 7 above. Approval of the current application is in line with the previous decisions of the Committee.
- 12.5 While a previous application (No. A/YL-TYST/28) for temporary open storage of construction materials was rejected by the Board on 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 have no objection to or no adverse comment on the current application or their concerns could be addressed as stated in paragraph 12.3 above.
- 12.6 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 12.1 to 12.5 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 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 28.8.2029. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the submission of a 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 28.2.2027;
- (b) in relation to (a) above, the implementation of the 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 28.5.2027;
- (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 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 28.2.2027;
- (e) in relation to (d) 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 28.5.2027;
- (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 VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the applied use is 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.

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 3.7.2026
Appendix II	Extract of 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	Public Comment
Appendix VIII	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
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2026**