

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/YL-TYST/1268**

- Applicant** : Cosmos Gem Limited (金信寶有限公司)
- Site** : Lots 1523 RP (Part), 1530 RP (Part), 1531 S.A, 1531 S.B and 1532 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
- Site Area** : 6,090 m<sup>2</sup> (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zonings** : “Undetermined” (“U”) (about 65%);  
“Government, Institution or Community (1)” (“G/IC(1)”) (about 10%);  
*[Restricted to a maximum building height of 8 storeys]*  
“Residential (Group A) 3” (“R(A)3”) (about 2%); and  
*[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]*  
area shown as ‘Road’ (about 23%)
- Application** : Temporary Warehouse for Storage of Construction Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts and Scrap Metal for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials, construction machinery, used electrical/electronic appliances and parts and scrap metal for a period of three years at the application site (the Site) (**Plan A-1a**). 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 covering Notes of the OZP also states that all uses or developments within areas shown as ‘Road’ require planning permission from the Board. The Site is bisected into two portions by a local track. Both portions are occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

- 1.2 The Site is accessible from Kung Um Road to its east (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of construction materials (including bricks, cement and tiles), construction machinery (including road rollers and vibratory rammers), used electrical/electronic appliances and parts (including circuit boards and motherboards) and scrap metal (including stainless steel and screws). No inflammable items will be stored and no selling, repairing, spraying, cleansing, dismantling, vehicle cleaning or other workshop activities will be carried out at the Site. Appointment/reservation will be required for vehicles to enter the Site. Plans showing the site layout and as-built drainage plan submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The Site is involved in six previous applications including two applications (No. A/YL-TYST/907 and 1081) for various temporary warehouse uses approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2018 and 2021 respectively (details at paragraph 5 below).
- 1.4 Compared with the last application (No. A/YL-TYST/1081), the current application is submitted by the same applicant for the same use at 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 are summarised as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application No. A/YL-TYST/1081 (a)</b>	<b>Current Application No. A/YL-TYST/1268 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Warehouse for Storage of Construction Materials, Construction Machinery, Used Electrical/Electronic Appliances and Parts and Scrap Metal for a Period of 3 Years		---
Site Area	About 6,400 m <sup>2</sup>	About 6,090 m <sup>2</sup>	-310 m <sup>2</sup> (-4.8%)
Total Floor Area (Non-domestic)	About 3,065 m <sup>2</sup>	About 3,071 m <sup>2</sup>	+6 m <sup>2</sup> (+0.2%)
No. and Height of Structures	8 • for warehouses, site offices, fire service installations and toilets (3 – 9m, 1 storey)	9 • for warehouses, site offices, meter rooms and toilet (3 – 9m, 1 storey)	+1
No. of Parking Spaces	2 (for private cars) (5m x 2.5m each)	2 (for private cars) (5m x 2.5m each)	---
No. of Loading/ Unloading Spaces	3 (for medium goods vehicles) (11 m x 3.5 m each)	3 (for medium goods vehicles) (11 m x 3.5 m each)	---
Operation Hours	10:00 a.m. to 4:00 p.m., with no operation on Sundays and Public Holidays	9:00 a.m. to 6:00 p.m., with no operation on Sundays and Public Holidays	Longer Operation Hours

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

- (a) Application Form with attachments received on 8.5.2024 (**Appendix I**)
- (b) Further Information (FI) received on 21.6.2024 (**Appendix Ia**)  
*[accepted and exempted from publication requirements]*

## **2. Justifications from the Applicant**

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

- (a) the applied use of the current application is the same as the last approved application No. A/YL-TYST/1081. The time-limited approval conditions under the said planning permission had been complied with. There is a change in site boundary due to land resumption and hence a fresh application is submitted;
- (b) a number of similar applications for temporary warehouse uses have been approved by the Board in the vicinity of the Site. The temporary use would not jeopardise the long-term planning intention; and
- (c) the applicant pledges to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) and the applied use would not induce adverse traffic and environmental impacts to the surroundings.

## **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 the notice to the Ping Shan Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is currently not subject to planning enforcement action.

## **5. Previous Applications**

5.1 The Site is involved in six previous applications, including two approved applications (No. A/YL-TYST/907 and 1081)<sup>1</sup> for temporary warehouse use covering a slightly larger site as the current application. The Site forms part of the sites of the remaining four applications (No. A/YL-TYST/370, 519, 665 and 827)

---

<sup>1</sup> The site of application No. A/YL-TYST/907 was zoned “U” on previous version of OZP at the time of consideration by the Committee.

which are for temporary open storage use, and their considerations are not relevant to the current application. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1b**.

- 5.2 Applications No. A/YL-TYST/907 and 1081 were approved with conditions each for a period of three years by the Committee in 2018 and 2021 respectively mainly on the considerations that the development was not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; and the departmental concerns could be addressed by imposing approval conditions. However, the planning permission of A/YL-TYST/907 was subsequently revoked due to non-compliance with approval condition. As for the last application (No. A/YL-TYST/1081), all the time-limited approval conditions have been complied with and the planning permission lapsed on 15.5.2024.

## **6. Similar Applications**

- 6.1 A total of 90 similar planning applications for various temporary warehouse uses within/straddling the subject “U”, “G/IC(1)” and “R(A)3” zones and area shown as ‘Road’ have been considered by the Committee in the past five years. Details of the applications are summarised in **Appendix II** and the locations of the sites are shown on **Plan A-1a**.
- 6.2 Out of the 90 similar applications, 88 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 5.2 above. However, the planning permissions for 31 of them were subsequently revoked due to non-compliance with approval conditions.
- 6.3 The remaining two applications for temporary warehouse use were rejected by the Committee in 2019 and 2021 respectively 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. Planning Intentions**

- 7.1 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. However, Kung Um Road is insufficient to cater for the heavy goods vehicular traffic generated from the proposed development. According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation”, this area of “U” zone falls within the remaining stages of the Yuen Long South (YLS) Development and the existing operations would be gradually phased out in stages.
- 7.2 The planning intention of the “G/IC” zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.

- 7.3 The planning intention of the “R(A)” zone is primarily for high-density residential developments. Commercial uses are always permitted on the lowest three floors of a building or in the purpose-designed non-residential portion of an existing building.
- 7.4 The concerned area shown as ‘Road’ is intended for new/improved access roads to serve the YLS Development.

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

### **8.1 The Site is:**

- (a) comprised of two portions bisected by a local track;
- (b) accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**); and
- (c) paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

### **8.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):**

- (a) comprise predominantly warehouses and open storage/storage yards with scattered residential structures, vehicle repair workshops, agricultural land, unused land and vacant land/structures;
- (b) there are residential structures in the vicinity of the Site with the nearest one located to the immediate northwest of the southern portion of the Site; and
- (c) an open storage yard is with valid planning permission (No. A/YL-TYST/1213), while some warehouses, open storage/storage yards and vehicle repair workshops in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

## **9. Comments from Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provide in **Appendices III and IV** respectively.

9.2 The following government department does not support the application:

### **Environment**

#### **9.2.1 Comments of the Director of Environmental Protection (DEP):**

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located to the immediate northwest of the

southern portion of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;

- (b) no substantiated environmental complaint concerning the Site has been received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments in **Appendix IV**.

## **10. Public Comment Received During the Statutory Publication Period**

On 17.5.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse for storage of construction materials, construction machinery, used electrical/electronic appliances and parts and scrap metal for a period of three years at the Site mainly zoned “U” (about 65%) and “G/IC(1)” (about 10%) with a minor portion zoned “R(A)3” (about 2%) and partly within an area shown as ‘Road’ (about 23%) 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 Development, the Site falls within areas partly zoned “Special Residential – Zone 1 – Public Rental Housing (with Commercial)”, “Government”, “Residential – Zone 2 (with Commercial)” and “Other Specified Uses (Mixed Use)” and partly within an area shown as ‘Road’ under the Second and Third Phases of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development, Planning Department and Project Manager (West), Civil Engineering and Development Department have no objection to the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the area. Nonetheless, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for implementation of government projects (**Appendix IV**).
- 11.2 The surrounding area comprises predominantly warehouses and open storage/storage yards with one of them covered by valid planning permission (**Plan A-2**). While there are scattered residential structures in the vicinity, the applied use is generally not incompatible with the surrounding uses.
- 11.3 There is no adverse comment from concerned government departments, including the C for T, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department on traffic, fire safety and drainage aspects respectively. DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located to the immediate northwest of the Site) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, thus environmental nuisance is expected. Nonetheless, no substantiated 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” in order to minimise possible environmental nuisance on the surrounding areas. Furthermore, relevant approval conditions are recommended in paragraph 12.2 below to address the technical requirements of other concerned government departments.

- 11.4 Two previous approvals for temporary warehouse use had been granted to the Site in 2018 and 2021 respectively and 88 similar applications within/straddling the subject “U”, “G/IC(1)” and “R(A)3” zones have been approved in the past five years. Approval of the current application is generally in line with the Committee’s previous decisions.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of construction materials, construction machinery, used electrical/electronic appliances and parts and scrap metal could be tolerated for a period of three years.
- 12.2 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 5.7.2027. 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 5.10.2024;
- (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 5.1.2025;
- (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 5.4.2025;
- (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 IV**.

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the applied use is not in line with the planning intentions of the "G/IC" and "R(A)" zones which are primarily for provision of Government, institution or community facilities and high-density residential developments respectively. No strong planning justification has been given in the submission to justify a departure from the planning intentions, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding area.

## **13. Decision Sought**

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

13.2 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.

13.3 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.

## **14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 8.5.2024
<b>Appendix Ia</b>	FI received on 21.6.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	As-built Drainage Plan
<b>Plan A-1a</b>	Location Plan with Similar Applications
<b>Plan A-1b</b>	Previous Applications Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**