

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1330

<u>Applicant</u>	:	Exact Win Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	:	Lots 984 RP (Part), 993 RP (Part), 994 (Part), 995 RP, 996 RP and 997 RP in D.D. 121, Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	1,278 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 D)” (“R(D)”) <i>[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]</i>
<u>Application</u>	:	Temporary Recyclable Collection Centre (Metal) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary recyclable collection centre (metal) with ancillary facilities for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP for the “R(D)” zone, ‘Recyclable Collection Centre’ is a Column 2 use which requires planning permission from the Town Planning Board (the Board). The Site is currently paved, partly 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 eastern part is accessible from Long Hon Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for temporary recyclable collection centre which involves the collection, storage, sorting, packing and baling of metal recyclables for recycling purposes. Four single to two-storey structures (not exceeding 3m to 7m in height) with a total floor area of about 237m² are provided for recyclable collection centre, site office, portable toilet and meter room uses. No rural workshop activities, including washing, burning, melting and breaking of metal, will be carried out at the Site. The site layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 According to the applicant, the current application is to facilitate the relocation of its existing operation (at Lots 995 RP, 996 RP and 997 RP in D.D. 121) affected by the land resumption and clearance exercise under the Second Phase Development of the Yuen Long South New Development Area (YLS NDA). Thus, there is an imminent need for the applicant to secure a relocation site to continue the affected operation. The applicant has conducted a site search to identify suitable site for the relocation of the affected operation and the Site is considered most suitable for relocation. The area of the current application (i.e. about 1,278m²) is slightly larger than that of the affected operation (i.e. about 1,115m²) as the applicant would like to upgrade and expand its business scale due to growing demand in the region.
- 1.4 The major development parameters of the current application are summarised as follows:

Site Area	About 1,278 m ²
Total Floor Area (Non-domestic)	About 237 m ²
No. and Height of Structures	4 • for recyclable collection centre, site office, portable toilet and meter room (3 – 7m, 1 – 2 storey(s))
No. of Parking Spaces	2 (for private cars) (5m x 2.5m each)
No. of Loading/ Unloading Space	1 (for medium/heavy goods vehicle) (11m x 3.5m)
Operation Hours	9:00 a.m. to 6:00 p.m., with no operation on Sundays and Public Holidays

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 15.8.2025 (Appendix I)
 - (b) Supplementary Planning Statement (SPS) (Appendix Ia)
 - (c) Further Information (FI) received on 18.9.2025 (Appendix Ib)
[accepted but not 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 SPS and FI (**Appendices Ia** and **Ib**). They can be summarised as follows:

- (a) the current application aims to relocate the existing recyclable collection centre operation affected by the Second Phase Development of the YLS NDA;
- (b) the temporary use would not jeopardise the long-term planning intention of the “R(D)” zone and the long-term development of the area;
- (c) the applied use is not incompatible with the surrounding environment;
- (d) the applicant pledges to submit short term waiver (STW) application upon approval of the current planning application and to follow the latest “Code of Practice on

Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (“Code of Practice”) and the good practices stated in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 2/23; and

- (e) the Site will be fenced off with a 3m-high fencing. There will be no adverse traffic, environmental, drainage, landscape and visual 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 Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Applications**

The Site was involved in three previous applications (No. A/YL-TYST/2, 59 and 102) for temporary open storage or container trailer park with repairing workshop uses. Their considerations are not relevant to the current application which involves a different use. Details of the previous applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

6. **Similar Application**

There is no similar application within the subject “R(D)” zone in the past five years.

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

7.1 The Site is:

- (a) accessible from Long Hon Road via a local track (**Plans A-2 and A-3**); and
- (b) currently paved, partly fenced-off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).

7.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards intermixed with scattered residential structures, parking of heavy vehicles, a vehicle repair workshop, unused land and vacant land/structures (**Plans A-2 and A-3**).

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 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 III** and **IV** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a business operation located at Lots 995 RP, 996 RP and 997 RP in D.D. 121 which is affected by the YLS Second Phase Development;
- (b) the Site will accommodate the affected operation. According to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the affected business operation. The Site is considered the most suitable for the relocation. While the application site area is larger than the site area of the original premises, the applicant has explained that a larger site is considered necessary to meet modern operational standards; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from relevant departments, the application is supported from the policy perspective.

9.3 The following government departments do not support/have adverse comments on the application:

Environment

9.3.1 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 its immediate northwest) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected;
- (b) 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 IV**.

Land Administration

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

- (a) he has adverse comment on 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) there is/are unauthorised structure(s) and/or uses on the subject lots which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) the applicant should note his advisory comments in **Appendix IV**.

10. Public Comments Received During the Statutory Publication Periods

On 22.8.2025 and 3.10.2025, the application and its FI were published for public inspection. During the statutory public inspection periods, a total of three public comments were received, including two from the village representatives of Tong Yan San Tsuen raising concerns that the applied use would encroach onto an existing access road connecting Long Hon Road and Tong Yan San Tsuen Road, and such access road should be retained to avoid traffic congestion in the area (**Appendix V-1**). The remaining comment is from an individual objecting to the application on the grounds that the Site is in close proximity to residential developments; the existing brownfield operation at the Site is a suspected UD; and brownfield operation displaced by development projects should be relocated to Category 2 areas designated under the Town Planning Board Guidelines No. 13G for Applications for Open Storage and Port Back-up Uses (**Appendix V-2**).

11. Planning Considerations and Assessments

11.1 The application is for temporary recyclable collection centre (metal) with ancillary facilities for a period of three years at the Site zoned “R(D)” on the OZP. Although the applied use is not in line with the planning intention of “R(D)” zone, according to the applicant, the application is to facilitate relocation of its business operation affected by the Second Phase Development of the YLS NDA. The applicant has conducted a site search before identifying the Site as the most suitable relocation site. While the size of the Site (i.e. about 1,278 m²) is larger than that of the affected operation (i.e. about 1,115 m²), the applicant states that such increase in site area is considered necessary due to growing business demand and operational needs. To facilitate smooth clearance for the YLS NDA and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from policy perspective.

- 11.2 Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls within an area partly zoned “Residential – Zone 5” 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. Besides, there is no known development programme or proposal at the Site for the time being. In view of the above, approval of the application on a temporary basis for a period of three years would not jeopardise the long-term development of the area.
- 11.3 The surrounding areas comprise predominantly warehouses and open storage/ storage yards intermixed with scattered residential structures, parking of vehicles, a vehicle repair workshop, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied use is generally not incompatible with the surrounding land uses.
- 11.4 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. While 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 its immediate northwest) (**Plan A-2**) and the applied use will involve heavy vehicle traffic thus environmental nuisance is expected, there was no environmental complaint concerning the Site received in the past three years. Should the planning application be approved, the applicant will be advised to follow the latest “Code of Practice” to minimise potential environmental nuisance on the surrounding areas. To address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.5 As for DLO/YL, LandsD’s concerns on the unauthorised structure(s) and/or uses on the Site, the applicant indicates that STW will be applied from DLO/YL, LandsD upon approval of this application. The applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.6 Regarding the public comments as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.5 above are relevant. For the villagers’ concern in relation to the existing local access road, the applicant is advised to liaise with the locals to address their concerns should the application be approved.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD has no objection to the application.
- 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

7.11.2028. 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 7.5.2026;
- (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 7.8.2026;
- (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 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 7.5.2026;
- (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 7.8.2026;
- (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 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 intention of the "R(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas into permanent buildings and for low-rise, low-density residential development. 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 use would not generate adverse environmental impact on the surrounding areas.

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

Appendix I	Application Form received on 15.8.2025
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 18.9.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendices V-1 and V-2	Public Comments
Drawing A-1	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
NOVEMBER 2025**