

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1323

<u>Applicant</u>	:	Exact Win Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	:	Lots 978 RP, 980 (Part), 981 RP (Part), 982 RP (Part), 983 S.B (Part), 983 RP and 984 RP (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	4,686 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 Vehicle Repair Workshop and Open Storage of Construction Machinery and Materials with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary vehicle repair workshop and open storage of construction machinery and materials with ancillary facilities for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**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 Site is currently largely paved, partly vacant and partly occupied by vehicle repair workshop and parking of heavy vehicles uses without valid planning permission (**Plans A-2 to A-4b**).
- 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 uses are for temporary vehicle repair workshop for routine maintenance and mechanical repairs of medium/heavy goods vehicles (M/LGVs) (including tire rotations, brake inspections, engine diagnostics and electrical system repairs) and storage of construction machinery and materials (including cement, metal/steel

products, compactors and bulldozers). Six single-storey structures (not exceeding 5m to 11m in height) with a total floor area of about 1,970m² are provided for vehicle repair workshop, storage, site offices, meter room, pump room and portable toilet uses. All the vehicle repair workshop activities will be taken place in a semi-enclosed structure and the area used for open storage use is about 650m² (i.e. about 13.9% of the site area). The applicant also proposes to fence off the Site with a 3m-high boundary fencing to minimise visual impact. Plans showing the vehicular access leading to the Site and the site layout submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

- 1.3 According to the applicant, the current application is to facilitate the relocation of its existing vehicle repair workshop and open storage operations (at various lots in D.D. 119 and D.D. 121 respectively) both 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 operations. The applicant has conducted a site search process to identify suitable site for the relocation of the affected operations and the Site is considered most suitable for relocation. The Site (i.e. about 4,686m²) is larger than the total area of the original premises (i.e. about 2,898m²) 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 4,686 m ²
Total Floor Area (Non-domestic)	About 1,970 m ²
No. and Height of Structures	6 • for vehicle repair workshop, storage, site offices, meter room, pump room and portable toilet (5 – 11m, 1 storey)
No. of Parking Spaces	2 (for private cars) (5m x 2.5m each)
No. of Loading/ Unloading Spaces	2 (for light goods vehicles) (7m x 3.5m each)
	4 (for M/LGVs) (11m x 3.5m each)
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 26.6.2025 (Appendix I)
 - (b) Supplementary Planning Statement (SPS) (Appendix Ia)
 - (c) Further Information (FI) received on 11.8.2025 (Appendix Ib)
[accepted but not exempted from publication and recounting requirements]
 - (d) FI received on 14.10.2025 (Appendix Ic)
[accepted and exempted from publication and recounting requirements]

- 1.6 On 10.10.2025, the Rural and New Town Planning Committee (the Committee) of the Board 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 SPS and FIs (**Appendices Ia to Ic**). They can be summarised as follows:

- (a) the current application aims to relocate the existing vehicle repair workshop and open storage operations affected by the Second Phase Development of the YLS NDA;
- (b) the temporary use would not jeopardise the long-term planning intention and the long-term development of the area;
- (c) a similar application for temporary warehouse and open storage uses has been approved in the subject “R(D)” zone in the past five years. The applied uses are 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;
- (e) the Site will be fenced off with a 3m-high fencing and a local access road with a minimum width of 6m connecting Long Hon Road and Tong Yan San Tsuen Road will be maintained within Lot 984 RP in D.D. 121 for the use of local villagers; and
- (f) there will be no adverse traffic, environmental, drainage, landscape and visual impacts arising from the applied uses.

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. Town Planning Board Guidelines

The Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 3 area under TPB PG-No. 13G. The relevant extracts of the Guidelines are attached at **Appendix II**.

5. **Background**

The use of place for parking of heavy vehicles and storage use on the Site are suspected unauthorized developments (UDs) which would be subject to planning enforcement action.

6. **Previous Applications**

The Site was involved in three previous applications including one application (No. A/YL-TYST/585) for temporary open storage use which was rejected by the Board upon review on 31.8.2012 mainly on the grounds that the development was not in line with the planning intention of the “R(D)” zone; the proposal did not comply with the then TPB PG-No. 13E; and approval of the application would set an undesirable precedent. The remaining two applications (No. A/YL-TYST/103 and 124) were for temporary container tractor/trailer park use and their considerations are not relevant to the current application which involves different uses. Details of the previous applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

7. **Similar Application**

While there is no similar application for temporary vehicle repair workshop use within the subject “R(D)” zone in the past five years, there is a similar planning application (No. A/YL-TYST/1234) for temporary warehouse and open storage uses which was approved with conditions for a period of three years by the Committee in 2023 mainly on the considerations that the application is to facilitate smooth clearance for the Hung Shui Kiu/Ha Tsuen NDA and provide operating space for displaced brownfield operations; the proposed uses were not incompatible with the surrounding areas; 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 similar application are summarised in **Appendix III** and the location of the site is 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 Long Hon Road via a local track (**Plans A-2 and A-3**); and
- (b) currently largely paved, partly vacant and partly occupied by vehicle repair workshop and parking of heavy vehicles uses without valid planning permission (**Plans A-2 to A-4b**).

8.2 The surrounding areas comprise predominantly warehouses and open storage/storage yards intermixed with a low-rise residential development (i.e. Windsor Villa), scattered residential structures, parking of vehicles, a recycling workshop, agricultural land, unused land and vacant land/structures (**Plans A-2 and A-3**).

9. 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.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 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 IV** and **V** respectively.

10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of two existing brownfield operations of open storage of construction material, machinery and equipment (located at Lots 981 RP, 982 RP in D.D. 121) and vehicle repair workshop (located at Lot 1607 RP in D.D. 119), which are affected by the Second Phase Development of the YLS NDA;
- (b) the Site will accommodate both affected operations. According to the applicant, a site search was conducted with a view to identifying a suitable site for re-establishment of the affected business operations. The Site is considered the most suitable for the relocation. While the application site area is larger than the combined site area of the original premises, the applicant has explained that a larger site is considered necessary to meet modern standards and their operation needs; 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.

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

Environment

10.3.1 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 south) (**Plan A-2**) and the applied uses will cause traffic of heavy vehicles, environmental nuisance is expected;

- (b) no substantiated 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 V**.

Land Administration

10.3.2 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 Lots 981 RP, 982 RP, 983 S.B, 983 RP and 984 RP in D.D. 121 which is/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 V**.

11. Public Comments Received During the Statutory Publication Periods

On 4.7.2025 and 19.8.2025, the application and its FI were published for public inspection. During the statutory public inspection periods, four public comments were received, including two from the village representatives of Tong Yan San Tsuen raising concerns on the application that the development would block an existing access road connecting Long Hon Road and Tong Yan San Tsuen Road and hence an alternative access road should be provided to avoid traffic congestion (**Appendix VI-1**). The remaining two public comments were from an individual objecting to the application on the grounds that the existing brownfield operations at the Site were suspected UD's; the Site is in close proximity to a number of residential developments and falls within Category 3 area under TPB PG-No. 13G; and approval of the application would jeopardise future land resumption for planned development at the Site (**Appendix VI-2**).

12. Planning Considerations and Assessments

12.1 The application is for temporary vehicle repair workshop and open storage of construction machinery and materials with ancillary facilities for a period of three years at the Site zoned "R(D)" on the OZP. Although the applied uses are not in line with the planning intention of "R(D)" zone, according to the applicant, the application is to facilitate relocation of its business operations affected by the Second Phase Development of the YLS NDA. The applicant has undergone a site selection process before identifying the Site as the most suitable relocation site. While the size of the Site (i.e. about 4,686 m²) is larger than that of the affected operations (i.e. about 2,898 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.

- 12.2 Under the Revised Recommended Outline Development Plan of YLS NDA, the Site falls within an area zoned “Residential – Zone 5” under the Third Phase of YLS NDA. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department 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.
- 12.3 The surrounding areas comprise predominantly warehouses and open storage/storage yards intermixed with a low-rise residential development, scattered residential structures, parking of vehicles, a recycling workshop, agricultural land, unused land and vacant land/structures (**Plans A-2 and A-3**). The applied uses are generally not incompatible with the surrounding land uses.
- 12.4 The Site falls within Category 3 areas under TPB PG-No. 13G. The application is considered generally in line with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected uses/operations to the Site; and 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 south) (**Plan A-2**) and the applied uses will involve heavy vehicle traffic thus environmental nuisance is expected, there has been no substantiated 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 and to keep the Site clean and tidy at all times. To address the technical requirements of other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. The applicant will also be advised that the planning permission does not condone any other development/use found on the Site (i.e. parking of heavy vehicles) but not covered by the application.
- 12.5 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.
- 12.6 There was a previous application (No. A/YL-TYST/585) for temporary open storage use rejected by the Board upon review in 2012 mainly on the considerations stated in paragraph 6 above. The circumstances of the current application are different in that policy support is given by SDEV and the application is generally in line with TPB PG-No. 13G as stated in paragraph 12.5 above. Besides, a similar

application for temporary warehouse and open storage uses within the subject “R(D)” zone has been approved in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee/the Board.

- 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. For the villagers’ concern in relation to the blockage of the existing local access road connecting Long Hon Road and Tong Yan San Tsuen Road, the applicant pledges to maintain the local access road with a minimum width of 6m within Lot 984 RP in D.D. 121 for the use of the local villagers (**Appendix Ic**). The applicant is also advised to liaise with the locals to address their concerns should the application be approved.

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, 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 5.12.2028. 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 5.6.2026;
- (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 5.9.2026;
- (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 5.6.2026;
- (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 5.9.2026;
- (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**.

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

- (a) the applied uses are 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 uses 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 received on 26.6.2025
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 11.8.2025
Appendix Ic	FI received on 14.10.2025
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
Appendices VI-1 and VI-2	Public Comments
Appendix VII	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan

Plan A-1a	Location Plan with Similar Application
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**