

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-TYST/1325

<u>Applicant</u>	:	Exact Win Limited represented by Aikon Development Consultancy Limited
<u>Site</u>	:	Lots 929, 930 RP (Part) and 932 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
<u>Site Area</u>	:	3,345 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>	:	Proposed Temporary Open Storage of Construction Machinery and Materials, Vehicle Repair Workshop and Recyclable Collection Centre (Waste Paper) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction machinery and materials, vehicle repair workshop and recyclable collection centre (waste paper) 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, ‘Recyclable Collection Centre’ is a Column 2 use within the “R(D)” zone which requires planning permission from the Town Planning Board (the Board), while temporary use or development of any land or buildings not exceeding a period of three years also requires planning permission from the Board. The Site is currently vacant and partly paved (**Plans A-2 to A-4**).
- 1.2 The Site with the ingress/egress at the eastern part is accessible from Lam Tai West Road via a local track (**Plans A-2 and A-3**). According to the applicant, the proposed uses involve temporary open storage of construction machinery and materials (including cement products, metal and steel products), vehicle repair workshop and recyclable collection centre of waste paper. Ten single-storey structures (not exceeding 5m to 7m in height) with a total floor area of about 924m²

are provided for vehicle repair workshops, recyclable collection centres, storage, site office, meter rooms and pump room uses. The area used for open storage is about 840m² (i.e. about 25.1% of the site area). According to the applicant, all workshop activities will be conducted within solid structures equipped with a mechanical ventilation system. Periphery planting of 20 trees and seven planting pots will be provided along the site boundary and the Site will be fenced off with a 3m-high fencing. Plans showing the vehicular access leading to the Site, the site layout and landscape proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 According to the applicant, the current application is to facilitate the relocation of the existing open storage, vehicle repair workshop and recyclable collection centre operations (at various lots in D.D. 119 and D.D. 124) affected by the land resumption and clearance exercises under the Second Phase Development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) and the Yuen Long South (YLS) NDA. Thus, there is an imminent need for the existing operators to secure a relocation site to continue their affected operations. The Site is identified as the most suitable location for relocation of the existing operations after an extensive site search. The proposed area of the current application (i.e. about 3,345 m²) is larger than that of the affected operations (i.e. about 2,541 m²) due to growing business demand and operational needs.

- 1.4 The major development parameters of the application are summarised as follows:

Site Area	About 3,345 m ²
Total Floor Area (Non-domestic)	About 924 m ²
No. and Height of Structures	10 • for vehicle repair workshops, recyclable collection centres, storage, site office, meter rooms and pumping room (5 – 7m, 1 storey)
No. of Parking Spaces	2 (for private cars) (5m x 2.5m each)
No. of Loading/ Unloading Spaces	2 (for medium/heavy goods vehicles) (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:

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|---|---------------|
| (a) Application Form received on 9.7.2025 | (Appendix I) |
| (b) Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) Further Information (FI) received on 19.8.2025* | (Appendix Ib) |
| (d) FI received on 26.8.2025* | (Appendix Ic) |
| (e) FI received on 4.11.2025* | (Appendix Id) |
- * *accepted and exempted from publication and recounting requirements*

- 1.6 On 5.9.2025, 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 Id**). They can be summarised as follows:

- (a) the current application aims to relocate the existing open storage, vehicle repair workshop and recyclable collection centre operations affected by the Second Phase Development of the HSK/HT and YLS NDAs;
- (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) a similar application (No. A/YL-TYST/1234) for temporary warehouse and open storage uses was approved in the subject “R(D)” zone in the past five years. The proposed uses are not incompatible with the surrounding environment;
- (d) the applicant pledges to submit short term waiver 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” (“CoP”) and the good practices stated in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 2/23; and
- (e) there will be no adverse traffic, environmental, drainage, fire safety, landscape and visual impacts arising from the proposed 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 Applications 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 Site is currently not subject to planning enforcement action.

6. Previous Applications

The Site was partly involved in two previous applications (No. A/YL-TYST/358 and 484) for temporary barbecue site and organic farm uses which were both rejected by the Committee in 2007 and 2010 respectively. 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-1**.

7. Similar Applications

There are three similar applications (No. A/YL-TYST/1234, 1323 and 1330) for temporary warehouse and/or open storage, vehicle repair workshop or recyclable collection centre uses within the subject “R(D)” zone in the past five years. All applications were approved with conditions each for a period of three years by the Committee mainly on the considerations that policy support was given to the application to facilitate smooth clearance for the HSK/HT or YLS NDAs 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 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 Lam Tai West Road via a local track (**Plans A-2 and A-3**); and
- (b) currently vacant and partly paved (**Plans A-2 to A-4**).

8.2 The surrounding areas comprise predominantly agricultural land intermixed with village houses of Shan Ha Tsuen, scattered residential structures, 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 three brownfield operations respectively providing open storage of construction machinery and materials/vehicle repair workshop/recyclable collection centre which are currently situated at various lots in D.D. 119 and 124 in Yuen Long. The premises of the brownfield operations cover lands affected by the Second Phase Development of the HSK/HT and YLS NDAs;
- (b) the Site will accommodate the three affected operations. According to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the Site is the most suitable relocation site. While the site area is larger than the combined site areas of the original premises, the applicant has explained that a larger site area is considered necessary as the current facilities no longer meet modern operational standards and that more space is required to meet the needs of the expanding construction and industrial sectors; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

10.3 The following government departments do not support the application:

Environment

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

- (d) he does not support the application as there are residential uses in the vicinity (with the nearest one located about 25m to its northeast) (**Plan A-2**) and the proposed uses will cause traffic of heavy vehicles, environmental nuisance is expected;
- (e) no environmental complaint concerning the Site was received in the past three years; and
- (f) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

Agriculture and Nature Conservation

10.3.2 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) a site inspection was conducted on 28.8.2025. The Site is a partly cemented vacant land. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as greenhouses and plant nurseries. According to the Revised Recommended Outline Development Plan (RODP) of YLS NDA promulgated in May 2020, the Site falls within an area zoned “Agricultural” (“AGR”) which is intended primarily to retain and safeguard existing quality agricultural land for agricultural purposes. In view of this, the proposed development is not supported from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) no comment on the application from nature conservation perspective.

11. Public Comments Received During the Statutory Publication Period

On 18.7.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the village representatives of Tong Yan San Tsuen and an individual objecting to the application on the grounds that the proposed uses are incompatible with the surrounding areas which comprise predominantly agricultural land and village houses; the proposed uses would cause adverse fire safety and environmental concerns to the surrounding areas; and the affected operations should be relocated to permanent locations designated for open storage use (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction machinery and materials, vehicle repair workshop and recyclable collection centre (waste paper) with ancillary facilities for a period of three years at the Site zoned “R(D)” on the OZP. Although the proposed uses are not in line with the planning intention of “R(D)” zone, there is no known development programme or proposal at the Site. According to the applicant, the application is to facilitate relocation of its business operations affected by the Second Phase Development of the HSK/HT and YLS NDAs. 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 3,345 m²) is larger than that of the affected operations (i.e. about 2,541 m²), the applicant claims that such increase in site area is considered necessary due to growing business demand and operational needs. To facilitate smooth clearance for the HSK/HT and YLS NDAs and provide operating space for displaced brownfield operations still needed by the community, SDEV supports the application from policy perspective.
- 12.2 According to the Revised RODP of YLS NDA, the Site falls within an area zoned “AGR” which is intended primarily to retain and safeguard existing quality agricultural land for agricultural purposes. While DAFC has no adverse comment on the application from nature conservation perspective, he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, 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 or no adverse comment on the application from YLS Development perspective. Besides, the YLS NDA, including its development area, development intensity and flat yield, is currently under review and will be subject to change. In view of the above and taking account of the planning assessments below, there is no objection to the application on a temporary basis for a period of three years.

- 12.3 The surrounding areas comprise predominantly agricultural land intermixed with village houses of Shan Ha Tsuen, scattered residential structures, unused land and vacant land/structures (**Plans A-2 and A-3**). To minimise the impact of the proposed uses, all workshop activities will be accommodated in enclosed structures equipped with mechanical ventilation system and a 3m high boundary fencing is proposed along the boundary of the Site. The applicant has also submitted a landscape proposal which proposes to plant 20 new trees and seven planting pots along the site boundary (**Drawing A-3**). The Chief Town Planner/Urban Design & Landscape of PlanD has no comment on the application from landscape point of view. In view of the above, the proposed uses are considered not incompatible with the surrounding areas.
- 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 relevant 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, drainage and fire safety perspectives 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 about 25m to its northeast) (**Plan A-2**) and the proposed uses will cause traffic of heavy vehicles, thus environmental nuisance is expected. The applicant proposes measures to minimise the impact of the proposed uses as mentioned in paragraph 12.3 above. Should the planning application be approved, the applicant will be advised to follow the latest “CoP” to minimise possible environmental nuisance on the surrounding areas and to keep the Site clean and tidy at all times. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Given that three similar applications for temporary warehouse and/or open storage, vehicle repair workshop or recyclable collection centre uses within the subject “R(D)” zone have been approved in the past five years, approval of the current application is generally in line with the previous decisions of the Committee.
- 12.6 Regarding the public comments as summarised in paragraph 11 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 comments 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 19.12.2028. 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 19.6.2026;
- (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 19.9.2026;
- (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 19.6.2026;
- (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 19.9.2026;
- (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 V**.

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

- (a) the proposed 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 proposed 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 9.7.2025
Appendix Ia	Supplementary Planning Statement
Appendix Ib	FI received on 19.8.2025
Appendix Ic	FI received on 26.8.2025
Appendix Id	FI received on 4.11.2025
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
Appendix VI	Public Comments
Appendix VII	The Good Practice Guidelines for Open Storage Sites
Drawing A-1	Vehicular Access Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2025**