

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

**APPLICATION NO. A/YL-TYST/1230**

- Applicant** : 張友鎮先生
- Site** : Lots 1546 (Part) and 1549 (Part) in D.D. 119 and Adjoining Government Land (GL), Yuen Long, New Territories
- Site Area** : 918 m<sup>2</sup> (about) (including GL of about 53.5 m<sup>2</sup> (5.82%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tong Yan San Tsuen Outline Zoning Plan (OZP) No. S/YL-TYST/14
- Zoning** : “Undetermined”
- Application** : Temporary Open Storage of Metalware for Recycling for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of metalware for recycling for a period of three years at the application site (the Site) (**Plan A-1**). According to the covering Notes of the OZP, all uses or developments within the “U” zone except those specified in the Notes require planning permission from the Town Planning Board (the Board). The Site is currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for storage of metalware for recycling (including aluminium, copper, steel, iron, plastic and electric wires, etc.). No repairing, dismantling or other workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site and site layout submitted by the applicant are at **Drawings A-1 and A-2** respectively.
- 1.3 The major development parameters of the application are summarised as follows:

Site Area	About 918 m <sup>2</sup>
Total Floor Area (Non-domestic)	About 252 m <sup>2</sup>

No. and Height of Structures	5 • for open sheds, site office and staff rest room (2.8 – 7m, 1 – 2 storey(s))
No. of Parking Space	Nil
No. of Loading/ Unloading Space	1 (for medium goods vehicle) (11 m x 3.5 m)
Operation Hours	9:00a.m. to 5:00p.m., with no operation on Sundays and public holidays

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

- (a) Application Form with attachments received on 30.6.2023 (**Appendix I**)
- (b) Further Information (FI) received on 14.8.2023 (**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 Application Form (**Appendix I**). They can be summarised as follows:

the Site is located in remote rural area which will not generate nuisances to nearby residents. No adverse visual and environmental impacts arising from the applied use are envisaged.

## 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. 31A) 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. **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 1 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 Application**

There is no previous planning application concerning the Site.

## **7. Similar Applications**

A total of 26 similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject “U” zone were approved by the Rural and New Town Planning Committee (the Committee) in the past five years, mainly on the considerations that the applied uses were generally in line with the then TPB PG-No. 13 (or its later version); not incompatible with the surrounding uses; 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 imposing approval conditions. However, the planning permissions for four of them were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised in **Appendix III** and the locations of the sites are shown on **Plan A-1**.

## **8. Planning Intention**

- 8.1 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. Any proposed developments within the zone should demonstrate that they will not have significant traffic, drainage and environmental impacts on the area.
- 8.2 According to the Explanatory Statement of the OZP, under the “Planning and Engineering Study for Housing Sites in Yuen Long South (YLS) – Investigation”, this area falls within the remaining stages of the YLS Development and the existing operations would be gradually phased out in stages.

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

- 9.1 The Site is:
  - (a) accessible from Kung Um Road to its east via a local track (**Plans A-2 and A-3**); and
  - (b) paved, fenced off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4**).
- 9.2 The surrounding areas have the following characteristics (**Plans A-2 and A-3**):
  - (a) comprise predominantly open storage/storage yards and warehouses with scattered residential structures, parking of vehicles, car servicing, agricultural land and unused land;
  - (b) there are residential structures in the vicinity of the Site with the nearest one in temporary structures located to its immediate north; and

- (c) except four warehouses with valid planning permissions (No. A/YL-TYST/1054, 1081, 1122 and 1125), the remaining warehouses, open storage/storage yards, parking of vehicles and car servicing uses in the vicinity are suspected unauthorized developments (UDs) subject to planning enforcement action.

## **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 in the Recommended Advisory Clauses are provided in **Appendices IV** and **V** 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 uses in the vicinity (with the nearest one located to its immediate north) (**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 V**.

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

On 7.7.2023, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual opining that the Site is close to many residential structures and the environmental impact on the surrounding area should be taken into consideration by the Board (**Appendix VII**).

## **12. Planning Considerations and Assessments**

12.1 The application is for temporary open storage of metalware for recycling for a period of three years at the Site zoned “U” on the OZP. The applied use is generally not in conflict with the planning intention of the “U” zone which is to cater for the continuing demand for open storage which cannot be accommodated in conventional godown premises. 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 has no adverse comment on the application. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls partly within an area zoned “Residential – Zone 2 (with Commercial)” and partly

within an area shown as 'Road' under Stage 3 of YLS Development. 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 for a period of three years would not jeopardise the long-term development of the area.

12.2 The surrounding area comprises predominantly open storage/storage yards and warehouses with some of them covered by valid planning permissions (**Plan A-2**). While there are residential structures in the vicinity, the applied use is generally not incompatible with the surrounding area.

12.3 According to TPB PG-No. 13G, the Site falls within Category 1 areas. The following guidelines are relevant:

Category 1 areas are considered suitable for open storage and port back-up uses. Favourable consideration will normally be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments should be submitted if the proposed uses may cause significant environmental and traffic concerns.

12.4 The application is generally in line with TPB PG-No. 13G in that the Site falls within Category 1 areas which are considered suitable for open storage and port back-up use; and local concerns and technical requirements of relevant government departments could be addressed through the implementation of approval conditions.

12.5 There is no adverse comment from concerned government departments, except DEP. 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 north) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, environmental nuisance is expected. However, there was no environmental complaint concerning the Site received by DEP in the past three years. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to planning enforcement action. Should the planning application be approved, the applicant will also be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" and to keep the Site clean and tidy at all times.

12.6 Given that 26 similar applications within/straddling the subject "U" zone have been approved in the past five years, approval of the current application is generally in line with the Committee's previous decisions.

12.7 There is one public comment raising concern on the application received during statutory public inspection period as summarised in paragraph 11 above. The planning considerations and assessments in paragraphs 12.1 to 12.6 above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that temporary open storage of metalware for recycling could be tolerated for a period of three years.
- 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 25.8.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no repairing, dismantling or other workshop activities, as proposed by the applicant, are allowed on the Site at any time during the planning approval period;
- (d) 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 25.2.2024;
- (e) in relation to (d) 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 25.5.2024;
- (f) in relation to (e) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (g) the provision of fire extinguisher(s) within **6** weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.10.2023;
- (h) 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 25.2.2024;
- (i) in relation to (h) 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 25.5.2024;
- (j) if any of the above planning condition (a), (b), (c) or (f) 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

- (k) if any of the above planning condition (d), (e), (g), (h) or (i) 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 reason for rejection is suggested for Members' reference:

the applicant fails to demonstrate that the applied use would not generate adverse environmental impact on the surrounding area.

**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**

<b>Appendix I</b>	Application Form with attachments received on 30.6.2023
<b>Appendix Ia</b>	FI received on 14.8.2023
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	The Good Practice Guidelines for Open Storage Sites
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2023**