

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

**APPLICATION NO. A/YL-TYST/1284**

- Applicant** : Mr. TSOI Chuen Yeung represented by KTA Planning Limited
- Site** : Lots 324 (Part), 325, 326 (Part), 327 S.E RP (Part), 1420 RP and 1421 (Part)  
in D.D. 119, Tong Yan San Tsuen, Yuen Long
- Site Area** : 4,100 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** : “Residential (Group A) 3” (“R(A)3”) (about 79.8%);  
*[Restricted to a maximum plot ratio of 7 and a maximum building height of 160mPD]*
- “Open Space” (“O”) (about 10.3%);
- “Village Type Development” (“V”) (about 6.4%); and  
*[Restricted to a maximum building height of 3 storeys (8.23m)]*
- Area shown as ‘Road’ (about 3.5%)
- Application** : Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper),  
Construction Equipment/Materials and Electrical Appliances with Ancillary  
Workshop and Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of recycling materials (metal, plastic and paper), construction equipment/materials and electrical appliances with ancillary workshop and office for a period of three years at the application site (the Site) mainly zoned “R(A)3” with minor portions partly zoned “O”, “V” and shown as ‘Road’ 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 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 currently occupied by the applied use without valid planning permission (**Plans A-2 to A-4b**).

- 1.2 The Site with the ingress/egress at the western part is accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**). According to the applicant, the applied use is for open storage of recycling materials (metal, plastic and paper), construction equipment/materials (including pulleys, barricades and pallets) and electrical appliances (including outdoor units of air-conditioner and computer parts). The area used for open storage use is about 2,061 m<sup>2</sup> (i.e. about 50.3% of the site area). There are also a total of 29 structures at the Site, including 22 single-storey structures (not exceeding 3m to 7.5m in height) with a total floor area of 1,415 m<sup>2</sup> for sheltered storage and workshop uses. The remaining seven one to two-storey(s) structures (not exceeding 1.5m to 5.5m in height) with a total floor area of 141 m<sup>2</sup> are provided for ancillary office, fire services pump room, water tank and toilet uses. Workshop activities (including repairing and sorting) will only take place at Structures No. 9 to 11 and there will be no storage or handling (including loading and unloading) of electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste outside the concrete-paved covered structures on the Site. No container vehicles will be allowed to enter the Site. Plans showing the site layout, as-built drainage plan and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site was involved in ten previous applications for various temporary open storage with/without ancillary uses which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2002 and 2021 (details at paragraph 6 below). Compared with the last application (No. A/YL-TYST/1102), the current application is submitted by the same applicant for similar open storage use at the same site with similar layout and development parameters. A comparison of the major development parameters of the current application and the last application is summarised as follows:

<b>Major Development Parameters</b>	<b>Previously Approved Application No. A/YL-TYST/1102 (a)</b>	<b>Current Application No. A/YL-TYST/1284 (b)</b>	<b>Difference (b)-(a)</b>
Applied Use	Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper) and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop and Packaging Activities for a Period of 3 Years	Temporary Open Storage of Recycling Materials (Metal, Plastic and Paper), Construction Equipment/Materials and Electrical Appliances with Ancillary Workshop and Office for a Period of 3 Years	Change in the stored items and removal of ancillary packaging activities use
Site Area	About 4,100 m <sup>2</sup>		---
Total Floor Area (Non-domestic)	About 1,430 m <sup>2</sup>	About 1,556 m <sup>2</sup>	+126 m <sup>2</sup> (+8.8%)
No. and Height of Structures	21 • for sheltered storage with/without ancillary packaging and workshop activities, staff rest room,	29 • for sheltered/containers storage, workshops, ancillary site offices,	+8

	ancillary site offices, toilet and FSIs (1.5 – 7.5m, 1 – 2 storey(s))	toilet and FSIs (1.5 – 7.5m, 1 – 2 storey(s))	
No. of Parking and Loading/ Unloading Space(s)	4 (for container tractor/trailers) (16m x 3.5m each)	1 (for heavy goods vehicle) (11m x 3.5m)	-3
Operation Hours	7:00 a.m. to 11:00 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 with attachments received on 16.9.2024 (**Appendix I**)
- (b) Supplementary Planning Statement (**Appendix Ia**)
- (c) Further Information (FI) received on 28.10.2024\* (**Appendix Ib**)
- (d) FI received on 31.10.2024\* (**Appendix Ic**)  
\* *accepted and 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 attachments to the Application Form and the Supplementary Planning Statement (**Appendices I and Ia**). They can be summarised as follows:

- (a) the applied use is compatible with the surrounding environment and land uses;
- (b) the Site is the subject of ten previous planning applications for similar temporary open storage uses since 2002. All the approval conditions under the last planning application No. A/YL-TYST/1102 have been complied with;
- (c) the applied use is in line with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13G);
- (d) the temporary use would not jeopardise the long-term planning intention;
- (e) the applicant will maintain the existing FSIs, vegetation and drainage facilities at the Site and the development will comply with the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (Code of Practice); and
- (f) there will be no adverse traffic, environmental, drainage and landscape 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 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**

TPB PG-No. 13G is relevant to the application. The Site falls within Yuen Long South (YLS) Development Area under TPB PG-No. 13G promulgated by the Board on 14.4.2023. The relevant extract of the Guidelines is attached at **Appendix II**.

#### **5. Background**

The Site is currently not subject to planning enforcement action.

#### **6. Previous Applications**

6.1 The Site was involved in ten previous applications (No. A/YL-TYST/186, 296, 404, 489, 544, 603, 748, 906, 931 and 1102) for various temporary open storage with/without ancillary uses covering different extents of the Site<sup>1</sup>. Details of the applications are summarised in **Appendix III** and the boundaries of the sites are shown on **Plan A-1b**.

6.2 All ten previous applications were approved with conditions each for a period of one to three years by the Committee between 2002 and 2021 mainly on the considerations that the applied uses were generally in line with the then TPB PG-No. 13 (or its later versions); the developments were not incompatible with the surrounding areas; approval of the applications on a temporary basis would not frustrate the long-term development of the area; there was no imminent need for Small House (SH) development within the "V" zone portion of the Site; and departmental concerns could be addressed by imposing approval conditions. However, the planning permissions for four of them were subsequently revoked due to non-compliance with time-limited approval conditions. As for the last application (No. A/YL-TYST/1102), all the time-limited approval conditions have been complied with and the planning permission lapsed on 24.7.2024.

#### **7. Similar Applications**

7.1 A total of 21 similar planning applications for various temporary open storage uses with/without other uses within/straddling the subject "R(A)3", "O" and "V" 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 III** and the locations of the sites are shown on **Plan A-1a**.

7.2 Out of the 21 similar applications, 20 were approved by the Committee between 2019 and 2024 mainly on similar considerations as those in paragraph 6.2 above.

---

<sup>1</sup> All the application sites (except application No. A/YL-TYST/1102) were largely zoned "Undetermined" on previous versions of OZP at the time of consideration by the Committee.

However, the planning permissions for four of them were subsequently revoked due to non-compliance with approval conditions.

- 7.3 The remaining application (No. A/YL-TYST/1058) was rejected by the Committee in 2020 mainly on the grounds that there were substantiated environmental complaints concerning the site related to recycling workshop use but the applicant had not provided any information to demonstrate that the continued operation of the development would not generate adverse environmental impacts on the surrounding areas, which was not in line with the then TPB PG-No. 13F; and the applied use was not in line with the planning intention of the “R(A)3” zone.

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

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

- (a) accessible from Shan Ha Road via a local track (**Plans A-2 and A-3**); and
- (b) paved, fenced off and currently 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 open storage/storage yards with scattered residential structures, a warehouse, casual parking and vacant land/structures;
- (b) there are residential structures to the vicinity of the Site with the nearest one located about 20m to its west; and
- (c) an open storage yard and a warehouse are covered with valid planning permissions while some other uses in the vicinity are suspected unauthorized developments (UD) subject to planning enforcement action.

## **9. Planning Intentions**

- 9.1 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.
- 9.2 The planning intention of the “O” zone is primarily for the provision of outdoor open-air public space for active and/or passive recreational uses serving the needs of local residents as well as the general public.
- 9.3 The planning intention of the “V” zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of SHs by indigenous villagers. It is also intended to concentrate village type development within the zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the

ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

- 9.4 The concerned area shown as 'Road' is intended for new/improved access roads to serve the YLS Development.

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

- 10.1 Apart from the government department as set out in paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments 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 about 20m to its west) (**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 V**.

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

On 24.9.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received including one from the Chairman of the Yuen Long Town Centre & Rural East Area Committee who did not express any comment on the application (**Appendix VII-1**) and a public comment from an individual raising concerns that the Board should take into consideration whether the approval conditions of the previous planning application have been complied with (**Appendix VII-2**).

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

- 12.1 The application is for temporary open storage of recycling materials (metal, plastic and paper), construction equipment/materials and electrical appliances with ancillary workshop and office for a period of three years at the Site mainly zoned "R(A)3" (about 79.8%) with minor portions zoned "O" (about 10.3%), "V" (about 6.4%) and shown as 'Road' (about 3.5%) on the OZP. Under the Revised Recommended Outline Development Plan of YLS Development, the Site falls mainly within an area zoned "Special Residential – Zone 1 – Public Rental Housing (with Commercial)" and partly within areas zoned "Local Open Space" and

“District Open Space” and partly within an area shown as ‘Road’ under the Second Phase of YLS Development. In this regard, the Chief Engineer/Cross-Boundary Infrastructure and Development of Planning Department, Project Manager (West) of Civil Engineering and Development Department and Director of Leisure and Cultural Services have no objection to the application. According to the District Lands Officer/Yuen Long, Lands Department, there is currently no SH application approved/under processing within the Site in the “V” zone. Approval of the application on a temporary basis for a period 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 V**).

- 12.2 The surrounding area comprises predominantly open storage/storage yards with scattered residential structures, a warehouse, casual parking and vacant land/structures (**Plans A-2 and A-3**). While there are scattered residential structures in the vicinity, the applied use is generally not incompatible with the surrounding land uses.
- 12.3 The application is generally in line with TPB PG-No. 13G in that the Site falls within the YLS Development Area and previous planning approvals for similar open storage uses have been granted; the approval conditions of the last application have been complied with; and the technical concerns of relevant departments could be addressed through the imposition of approval conditions. As such, sympathetic consideration may be given to the application.
- 12.4 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. 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 20m to its west) (**Plan A-2**) and the applied use will cause traffic of heavy vehicles, thus environmental nuisance is expected. Nonetheless, no 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 on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise possible environmental nuisance on the surrounding areas and to keep the Site clean and tidy at all times. Furthermore, relevant approval conditions are recommended in paragraph 13.2 below 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.
- 12.5 Ten previous approvals for various temporary open storage uses have been granted to the Site from 2002 to 2021 and 20 similar applications within/straddling the subject “R(A)3”, “O” and “V” zones have been approved in the past five years. Approval of the current application is in line with the previous decisions of the Committee.
- 12.6 There are two public comments received during the statutory publication period including one raising concerns on the application 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 above and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department considers that the applied use 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 8.11.2027. 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 8.2.2025;
- (c) 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 20.12.2024;
- (d) the submission of a revised 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 8.5.2025;
- (e) in relation to (d) above, the implementation of the revised 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 8.8.2025;
- (f) 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
- (g) if any of the above planning condition (b), (c), (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 are suggested for Members' reference:



- (a) the applied use is not in line with the planning intentions of the “R(A)”, “O” and “V” zones which are primarily for high-density residential developments, provision of outdoor open-air public space and development of Small Houses by indigenous villagers 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.

#### **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 16.9.2024
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 28.10.2024
<b>Appendix Ic</b>	FI received on 31.10.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous and 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>Appendices VII-1 and VII-2</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Drawing A-2</b>	As-built Drainage Plan
<b>Drawing A-3</b>	FSIs Proposal
<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