

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1186

- Applicant** : Mr. WONG Sun Kwong represented by Metro Planning & Development Company Limited
- Site** : Lots 175 (Part), 176 (Part), 177 (Part), 178 S.A, 178 S.B, 179 and 181 in D.D. 128 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 8,200m² (including GL of about 363.2m² or 4%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Residential (Group D)” (“R(D)”)
[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]
- Application** : Proposed Temporary Open Storage of Construction Materials and Metal for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and metal for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently partly vacant and partly used for open storage of construction machinery without valid planning permission (**Plans A-2, A-4a and A-4b**).
- 1.2 The Site is accessible via a local track leading from Fung Kong Tsuen Road and the ingress/egress is at the eastern part of the Site (**Plans A-2 and A-3**). According to the applicant, the Site will mainly be used for open storage of construction materials and metal (about 4,750m² or 58% of site area) and six structures (one to two storeys and not more than 6m in height) with a total floor area of not more than 1,080m² will be erected for warehouse (storage of

construction materials and metal), office and toilet uses (**Drawing A-1**). A 12m-wide “no build zone” is designated at the southwestern portion of the Site to minimise loading on the adjacent slope (**Plan A-2**). No workshop activity will be carried out at the Site. Two parking spaces for private cars and one loading/unloading space for light goods vehicle will be provided, and no medium or heavy goods vehicle or container trailer/tractor will be used. The operation hours will be from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. Plans showing the proposed site layout, landscape provisions, drainage facilities and vehicular access submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.3 In support of the application, the applicant submitted the following documents:

- (a) Application Form with attachments received on 4.2.2025 (**Appendix I**)
- (b) Supplementary Information (SI) received on 6.2.2025 (**Appendix Ia**)
- (c) Further Information (FI) received on 13.2.2025* (**Appendix Ib**)
- (d) FI received on 10.3.2025# (**Appendix Ic**)

**accepted and exempted from publication and
recounting requirements*

*#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 Application Form and SI at **Appendices I and Ia**. They can be summarised as follows:

- (a) Planning permission for recyclable collection centre use was previously granted at the Site.
- (b) The proposed use is not incompatible with the surrounding areas, which are characterised by port back-up and open storage uses.
- (c) Almost the entire Site falls within Category 2 areas under the Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G). Only a minor portion of the Site falls within Category 3 areas and no open storage use will be involved at that portion.
- (d) No adverse traffic and drainage impacts are anticipated.
- (e) The proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “R(D)” zone.

3. **Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 posting site notice and sending registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements under TPB PG-No. 31B are not applicable.

4. **Background**

Majority of the Site is subject to active planning enforcement cases against unauthorized developments (UDs) involving storage use (including deposit of containers) (case No. E/YL-HTF/962), storage and workshop uses (case No. E/YL-HTF/963) and storage use (including deposit of containers) (case No. E/YL-HTF/964) (**Plan A-2**). Enforcement Notices (ENs) were issued on 12.12.2024 requiring discontinuation of the UD. As revealed in the site inspection on 14.4.2025, the sites of cases No. E/YL-HTF/962 and 963 were largely vacant. For case No. E/YL-HTF/964, site inspection conducted after the expiry of the EN revealed that the UD still continued and prosecution action would be considered.

5. **Town Planning Board Guidelines**

TPB PG-No. 13G promulgated on 14.4.2023 are relevant to the application. The Site is by and large located within Category 2 areas¹ under TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

6. **Previous Applications**

The Site was involved in two previous applications (No. A/YL-HTF/1129 and 1144) for temporary recyclable collection centre use. While application No. A/YL-HTF/1129 was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2022, application No. A/YL-HTF/1144 was approved with conditions by the Committee in 2022. The planning permission under application No. A/YL-HTF/1144 was subsequently revoked due to non-compliance with time-limited approval conditions. The considerations of these previous applications are not relevant to the current application which involves a different use. Details of these previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

¹ Majority of the Site (about 99%) falls within Category 2 areas under TPB PG-No. 13G with minor encroachment (about 1%, or about 84m²) onto Category 3 areas (**Plan A-2**). The applicant has stated that no open storage use will be involved at that portion of the Site falling within Category 3 areas (**Appendix Ia**).

7. Similar Applications

There are 17 similar applications involving various temporary open storage uses within the same “R(D)” zone in the past five years. All applications were approved with conditions by the Committee between 2021 and 2025 mainly on considerations that the applied use was not incompatible with the surrounding areas; the application was considered in line with TPB PG-No. 13F/G; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. Details of these similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) partly vacant and partly used for open storage of construction machinery without valid planning permission; and
- (b) accessible via a local track leading from Fung Kong Tsuen Road.

8.2 The surrounding areas are predominated by open storage yards, warehouses and vacant/unused land. Some of the open storage and warehouse uses are covered by valid planning permissions, while some are suspected UD's subject to planning enforcement action.

9. Planning Intention

The “R(D)” zone is intended 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 Departments

All government 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.

11. Public Comments Received During the Statutory Publication Periods

The application and relevant FI were published for public inspection. During the statutory public inspection periods, two public comments from an individual were received (**Appendix VII**) expressing concerns that the approval conditions of the previous application have not been complied with and there will be adverse fire safety and geotechnical impacts arising from the proposed use.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials and metal for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the proposed use is not in line with the planning intention of the “R(D)” zone, there is no known development proposal for implementing the zoned use at the Site. Approval of the application on a temporary basis for a period of three years will not frustrate the long-term planning intention of the “R(D)” zone. Notwithstanding the above, the Project Manager (West) of Civil Engineering and Development Department advises that the Site falls within the study area of Lau Fau Shan Development in which the implementation and land resumption/clearance programme is currently being reviewed under the relevant investigation study and subject to change. Should the application be approved, the applicant should be reminded that the Site may be resumed by the Government at any time during the planning approval period for potential development project and advised not to carry out any substantial works therein.
- 12.2 The Site is located in an area predominated by open storage yards and warehouses (with some of them covered by valid planning permissions), as well as vacant/unused land. The proposed use is considered not incompatible with the surrounding areas.
- 12.3 The Site falls almost entirely within Category 2 areas (about 99%) under TPB PG-No. 13G and no open storage use is proposed at the remaining portion within Category 3 areas. The proposed use is generally in line with TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Head of the Geotechnical Engineering Office of Civil Engineering and Development Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, drainage, geotechnical and fire safety perspectives respectively. While the Director of Environmental Protection has no objection to the application, he advises that there were four substantiated environmental complaints regarding air quality pertaining to the Site in the past three years which were related to a plastic recycling facility and a suspected lard factory previously operating at the Site, both of which have ceased operation. To minimise any possible environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’.
- 12.4 The Committee has approved 17 similar applications involving various open storage uses within the same “R(D)” zone in the past five years mainly on considerations summarised in paragraph 7 above. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.5 Regarding the public comments expressing concerns on the application, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant. Regarding the concern on non-compliance with previous approval

conditions, the previous application (No. A/YL-HTF/1144) involved different use as mentioned in paragraph 6 above.

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 **2.5.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (b) the submission of a revised 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 **2.11.2025**;
- (c) in relation to (b) above, the implementation of the revised drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **2.2.2026**;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 **13.6.2025**;
- (f) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.11.2025**;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **2.2.2026**;
- (h) if any of the above planning condition (a) or (d) 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

- (i) if any of the above planning condition (b), (c), (e), (f) or (g) 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 attached 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 proposed 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 through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

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 with Attachments received on 4.2.2025
Appendix Ia	SI received on 6.2.2025
Appendix Ib	FI received on 13.2.2025
Appendix Ic	FI received on 10.3.2025
Appendix II	Extract of TPB PG-No.13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	'Good Practice for Open Storage Sites' issued by the Fire Services Department
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan

Drawing A-3
Drawing A-4
Plan A-1
Plan A-2
Plan A-3
Plans A-4a and A-4b

Drainage Plan
Vehicular Access Plan
Location Plan
Site Plan
Aerial Photo
Site Photos

PLANNING DEPARTMENT
MAY 2025