

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/566

- Applicant** : Mr TANG Cheuk Lun represented by Ever United Planning and Development Limited
- Site** : Various Lots in D.D. 128 and D.D.129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 19,100m² (including GL of about 476m² or 2.5%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen (HSK and HT) Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : (i) “Residential (Group B)2” (“R(B)2”) (about 78%);
[Restricted to a maximum plot ratio of 2.5 and a maximum building height of 60mPD]
- (ii) “Open Space” (“O”) (about 5.4%);
- (iii) area shown as ‘Road’ (about 16.6%)
- Application** : Renewal of Planning Approval for Temporary Open Storage of Containers for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning approval for temporary open storage of containers for a period of three years at the application site (the Site) partly zoned “R(B)2” and “O” and partly 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 building not exceeding a period of three years within the concerned zones requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission under application No. A/HSK/378 until 19.7.2025 (**Plans A-2 to A-4b**).
- 1.2 The Site is accessible from Lau Fau Shan Road and the ingress/egress point is located at the northeastern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, an area at the southwestern part of the Site is used for open storage of containers. There are four single-storey temporary structures (not more than 8m in height) with a total floor area of about 546m² used for open sheds, site office, toilet and electricity meter room. Two parking spaces for private cars/light goods vehicles

(each of 7m x 3.5m) and ten parking spaces for container trailers/tractors (each of 16m x 3.5m) are provided (**Drawing A-1**). The operation hours are from 7:00 a.m. to 9:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. No cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair, and workshop activities will be carried out at the Site. Plans showing the site layout, as-built drainage facilities and fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 The Site was involved in 11 previous applications for various temporary open storage uses which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2022 (details at paragraph 6 below). Compared with the last application No. A/HSK/378 approved by the Committee on 15.7.2022, the current application is submitted by the same applicant for the same use with the same layout and development parameters at the same site.

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

(a) Application Form with attachments received on 9.5.2025 (**Appendix I**)

(b) Further Information (FI) received on 22.5.2025 (**Appendix Ia**)

[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 Application Form with attachments at **Appendix I**. They can be summarised as follows:

- (a) the development conforms with the relevant Town Planning Board Guidelines for 'Application for Open Storage and Port Back-up Uses' (TPB PG-No. 13G). The applied use is not incompatible with the surrounding areas. Similar planning applications have been approved by the Committee in the adjoining areas;
- (b) previous applications for the same use had been approved by the Board at the Site. The current application is to seek renewal of planning approval under the last application No. A/HSK/378. All approval conditions of the previous application No. A/HSK/378 have been complied with;
- (c) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones. Sympathetic consideration could be given to the current application during the interim period before the Site is resumed for the implementation of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA);
- (d) the applied use will have insignificant traffic and drainage impacts. Adequate maneuvering spaces will be provided within the Site and the implemented drainage facilities accepted by the Drainage Services Department (DSD) will be maintained at the applicant's own expense; and
- (e) the applied use will not generate significant environmental impacts to the surrounding areas as adequate mitigation measures will be provided.

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 notice in the local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements are not applicable to the GL portion.

4. Town Planning Board Guidelines

- 4.1 TPB PG-No. 13G promulgated on 14.4.2023 is relevant to the application. The Site falls within the HSK/HT NDA under the revised Guidelines. Relevant extract of the Guidelines is attached at **Appendix II**.
- 4.2 The Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34D) is relevant to the application. The relevant assessment criteria are at **Appendix III**.

5. Background

The Site is currently not subject to any planning enforcement action.

6. Previous Applications

The Site, in part or in whole, was involved in 11 previous applications (No. A/YL-HT/125, 184, 275, 385, 542, 622, 690, 790, 1031 and A/HSK/161 and 378) for various temporary open storage uses. All these applications were approved with conditions by the Committee between 2000 and 2022 mainly on the considerations that the applied uses were not incompatible with the surrounding areas; being generally in line with the relevant TPB PG-No.13; and no major adverse comments from concerned government departments. However, five of the planning approvals (No. A/YL-HT/125, 184, 542, 690 and 790) were subsequently revoked due to non-compliance with the time-limited approval conditions. As for the last application No. A/HSK/378, all time-limited approval conditions have been complied with and the planning permission is valid until 19.7.2025. Details of these applications are summarised at **Appendix IV** and their boundaries are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are two similar applications (No. A/HSK/368 and 563) involving temporary open storage use straddling the same “R(B)2” and “O” zones and area shown as ‘Road’ in the past five years. Both of them were approved with conditions by the Committee between 2022 and 2025 based on similar considerations as mentioned in paragraph 6 above. Details of these applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1a**.
- 7.2 For Members’ information, application No. A/HSK/567 for temporary open storage of construction machinery and construction materials for a period of three years

involving the same “O” zone will be considered at the same meeting (**Plan A-1a**).

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

8.1 The Site is:

- (a) accessible from Lau Fau Shan Road; and
- (b) currently used for the applied use with valid planning permission under application No. A/HSK/378.

8.2 The surrounding areas are predominantly occupied by open storage yards, logistics use, warehouse, parking of vehicles and sewage pumping station intermixed with unused land and residential dwellings, some of which are covered by valid planning permissions while some uses are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intentions

9.1 The planning intention of the “R(B)” zone is primarily for medium-density residential developments.

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 concerned area shown as ‘Road’ is reserved for a proposed local road.

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 in the Recommended Advisory Clauses are provided in **Appendices V and VI** 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 because there are residential uses in vicinity of the Site (the nearest residential dwelling being about 33m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles, hence environmental nuisance is expected;
- (b) no environmental complaint pertaining to the Site was received in the past three years; and
- (c) should the application be approved, the applicant should note his advisory comments at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 16.5.2025, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

12. Planning Considerations and Assessments

- 12.1 The application is for renewal of planning approval for temporary open storage of containers for a period of three years at the Site partly zoned “R(B)2” and “O” and partly shown as ‘Road’ on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(B)” and “O” zones, there is no known development proposal at the Site. The Project Manager (West) of Civil Engineering and Development Department advises that the Site falls within the study area of Lau Fau Shan Development of which the implementation programme and land resumption/clearance programme are currently being reviewed under the relevant investigation study and subject to change. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Nonetheless, 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 applied use is considered not incompatible with the surrounding areas which are predominantly occupied by open storage yards, logistics use, warehouse, parking of vehicles and sewage pumping station intermixed with unused land and residential dwellings, with some of these uses covered by valid planning permissions (**Plan A-2**).
- 12.3 The applied use is generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and 11 previous planning applications had been approved by the Committee between 2000 and 2022 involving various temporary open storage uses. For the last approved application No. A/HSK/378, all approval conditions have been complied with. The current application is submitted by the same applicant for the same use with the same layout and development parameters at the same site. In this regard, sympathetic consideration may be given to this application.
- 12.4 The application also complies with TPB PG-No. 34D in that there has been no material change in planning circumstances since the granting of the previous approval under application No. A/HSK/378; all time-limited approval conditions under the previous approval have been complied with; there is no adverse departmental comment on the renewal application, except DEP; and the three-year approval period sought which is the same as the last approval granted by the Committee is considered reasonable.
- 12.5 Other relevant government departments consulted including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of DSD have no adverse comment on the application from the traffic, fire safety and drainage aspects. While DEP does not support the application as the applied use involves the use of heavy vehicles and environmental nuisance to the sensitive users in the vicinity of the Site (**Plan-A-2**) is expected, there is no environmental complaint pertaining to the Site received in the past three years. To address the technical requirements of concerned departments, relevant 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” to minimise the potential environmental nuisance on the surrounding areas.

12.6 The Committee has approved 11 previous applications for various temporary open storage uses at the Site between 2000 and 2022 and two similar applications straddling the same “R(B)2” and “O” zones and area shown as ‘Road’ in the past five years. Approval of the current application is in line with the Committee’s previous decisions.

13. Planning Department’s Views

13.1 Based on the assessments made in paragraph 12 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, and be renewed **from 20.7.2025 to 19.7.2028**. 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 commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **20.10.2025**;
- (c) 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
- (d) if the above planning condition (b) 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 VI**.

13.3 There is no strong reason to recommend rejection of the application.

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 9.5.2025
Appendix Ia	FI received on 22.5.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Relevant Extracts of TPB PG-No. 34D
Appendix IV	Previous and Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Drawing A-1	Proposed Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	FSIs 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
JULY 2025**