

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/569

- Applicant** : Mr WU Siu Sing represented by Metro Planning & Development Company Limited
- Site** : Various Lots in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 4,996m²
- 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) “Government, Institution or Community” (“G/IC”) (about 99%); and
[Restricted to a maximum building height of 8 storeys]
(ii) area shown as ‘Road’(about 1%)¹
- Application** : Temporary Open Storage of Rubbish Trucks, Rubbish Skips and Metal Ware with Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of rubbish trucks, rubbish skips and metal ware with ancillary workshop for a period of three years at the application site (the Site) zoned “G/IC” 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 requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible from Kai Pai Ling Road via a local track and the ingress/egress point is at the southeastern part of the Site (**Drawing A-2 and Plan A-2**). According to the applicant (**Drawing A-2**), majority parts of the Site (an area of about 3,020m² or about 60%) are used for open storage of rubbish trucks, rubbish skips and metal ware and ancillary workshop for repairing rubbish skip. A loading/unloading (L/UL) space for medium goods vehicles (MGVs) (11m x 3.5m) is also provided. Three temporary structures/converted containers (one to two storeys, not more than 7m in height) with a total floor area of 360m² are used for site offices and storage purposes. The operation hours are from 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Plans showing the access leading to the Site, site layout and as-built drainage facilities submitted by the applicant are at

¹ Regarded as minor boundary adjustment allowed under the covering Notes of the OZP.

Drawings A-1 to A-3 respectively.

- 1.3 The Site, in part or in whole, was involved in 11 previous applications for various temporary open storage uses approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2022 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/366 approved by the Committee on 6.5.2022, the current application is submitted by a different applicant for the same applied use at the same site with a different layout. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Approved Application (A/HSK/366) (a)	Current Application (A/HSK/569) (b)	Difference (b) – (a)
Applied Use	Renewal of Planning Approval for Temporary Open Storage of Metal Ware for a Period of 3 Years	Temporary Open Storage of Rubbish Trucks, Rubbish Skips and Metal Ware with Ancillary Workshop for a Period of 3 Years	Different storage materials
Site Area	About 4,996m ²		No change
Total Floor Area	About 20m ²	About 360m ²	+340m² (+1700%)
No. of Structures	1 (site office and storage)	3 (site offices and storage)	+2
Building Height	Not more than 3m high (1 storey)	Not more than 7m high (1 to 2 storeys)	/
No. of L/UL Space	1 for MGVs		No change
Operation Hours	from 7:00 a.m. to 7:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays		No change

- 1.5 In support of the application, the applicant has submitted an Application Form with attachments received on 19.5.2025 (**Appendix I**).

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form at **Appendix I**. They can be summarised as follows:

- (a) previous applications for open storage use had been approved by the Board at the Site since 1998. The current application is similar to the previous application No. A/HSK/366. All approval conditions of the previous application No. A/HSK/366 have been complied with;
- (b) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone. 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);

- (c) 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 for open storage and port back-up uses have been approved by the Board in the adjoining areas; and
- (d) the applied use will have insignificant traffic, drainage and environmental impacts. The proposed workshop is confined to the area shown on the layout plan (**Drawing A-2**).

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 posting site notice and sending notice to Ha Tsuen 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 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**.

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/53, 57, 169, 277, 318, 485, 668, 851, 1023 and No. A/HSK/150 and 366) for various temporary open storage uses. All of these applications were approved with conditions by the Committee between 1998 and 2022 mainly on the considerations that the applied use was 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. As for the last application No. A/HSK/366, all time-limited approval conditions have been complied with and the planning permission lapsed on 1.6.2025. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.

7. Similar Applications

- 7.1 There are six similar applications involving open storage use within/straddling the same “G/IC” zone in the past five years. All of them were approved with conditions by the Committee between 2021 and 2024 on similar considerations as those

mentioned in paragraph 6 above. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

- 7.2 For Members' information, application No. A/HSK/571 for renewal of planning approval for temporary open storage of construction material and metal ware with ancillary workshop for a period of three years at a site² located to the immediate south of the Site will be considered at the same meeting (**Plan A-1a**).

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

8.1 The Site is:

- (a) accessible from Kai Pai Ling Road via a local track; and
- (b) currently used for the applied use without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, warehouses, storage facilities and vehicle parking intermixed with some graves, vacant and unused land.

9. Planning Intention

The planning intention of the "G/IC" zone is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory.

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 IV** and **V** respectively.

10.2 The following government department has reservation on the application:

Land Administration

10.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government;
- (b) the following private lots are covered by Short Term Waivers (STW) as below:

² Falls mainly within an area shown as 'Road' on the HSK and HT OZP and the "Residential (Group D)" zone on the Ha Tsuen Fringe OZP.

<u>STW No.</u>	<u>Lot in D.D. 128</u>	<u>Purposes</u>
3101	51	Office Ancillary to Open Storage of Used Air Conditioner and Metal Wares
3331	48 S.A and 49	Storage of Used Paper Products and Ancillary Workshop
4462	35, 36, 37 and 41	Temporary Open Storage of Construction Materials with Ancillary Workshop

- (c) he has reservation on the application since there are unauthorised structures within Lot 50 in D.D. 128 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularisation on the lease breaches as demanded by LandsD; and
- (d) should the planning application be approved, the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) shall apply to his office for STW(s) to permit the structures erected within the said private lot(s). The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(s), if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structures will be considered.

11. Public Comment Received During Statutory Publication Period

On 27.5.2025, 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 temporary open storage of rubbish trucks, rubbish skips and metal ware with ancillary workshop for a period of three years at the Site zoned “G/IC” on the OZP. Whilst the applied use is not in line with the planning intention of the “G/IC” zone, 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, warehouses, storage facilities and vehicle parking intermixed with some graves, vacant and unused land (**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 1998 and 2022 for various temporary open storage uses. For the last approved application No. A/HSK/366, all approval conditions have been complied with. In this regard, while the current application is submitted by a different applicant for the same applied use at the same site with a different layout, sympathetic consideration may be given to the application.
- 12.4 Other relevant government departments consulted including the Director of Environmental Protection, 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 the environmental, traffic, fire safety and drainage perspectives respectively. 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. Regarding DLO/YL, LandsD’s comments on unauthorised structures on Lot 50 in D.D. 128, the applicant will be advised to liaise with LandsD on the land administrative matters should the Committee approve the application.
- 12.5 The Committee has approved 11 previous applications for various temporary open storage uses at the Site since 1998 and six similar applications within/straddling the same “G/IC” zone 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 until **18.7.2028**. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **18.10.2025**;
- (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 **29.8.2025**;

- (d) 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 **18.1.2026**;
- (e) 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 **18.4.2026**;
- (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 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 applied use is not in line with the planning intention of the "G/IC" zone which is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory respectively. There is no strong justification in the submission for a departure from the 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 19.5.2025
Appendix II	Relevant 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' by the Fire Services

	Department
Drawing A-1	Vehicular Access Plan
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Plan A-1a	Location Plan with Similar Applications
Plan A-1b	Previous Applications Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**