

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/561

Applicant : 自遊發展有限公司

Site : Various Lots in D.D. 128 and D.D. 129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long

Site Area : About 5,390m² (including GL of about 110m² or 2%)

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 82%); and
[Restricted to a maximum Building Height (BH) of 8 storeys]
(ii) “Open Space” (“O”) (about 18%)

Application : Temporary Open Storage of Vehicles (Private Cars) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of vehicles (private cars) for a period of three years at the application site (the Site) zoned “G/IC” and “O” 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 at the Site 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 Fung Kong Tsuen Road via a local track, and the ingress/egress point is at the southern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant (**Drawing A-1**), an area of about 2,804m² (about 52%) is used for open storage of vehicles (private cars) while a single-storey temporary structure (about 4m in height) with a floor area of about 12m² is used for toilet purpose. Two parking spaces for private cars (each of 5m x 2.5m) are also provided. No workshop activities including burning, cleaning, melting and dismantling will be carried out at the Site. The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Plans showing the site layout and fire service installations (FSIs)

submitted by the applicant are at **Drawing A-1 and A-2** respectively.

1.3 The Site, in part or in whole, was involved in 12 previous applications for various temporary open storage, warehouse and logistic centre uses, of which nine for temporary open storage of containers were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2014 (details at paragraph 6 below) (**Plan A-1b**).

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

(a) Application Form with attachments received on 9.4.2025 (**Appendix I**)

(b) Further Information (FI) received on 9.6.2025* (**Appendix Ia**)

(c) FI received on 19.6.2025* (**Appendix Ib**)

**accepted and exempted from publication and recounting requirements*

1.5 On 6.6.2025, the Committee of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

2. Justifications from the Applicant

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

- (a) previous applications for warehouse and logistics centre uses had been approved by the Board at the Site since 2016. The current application is for open storage use with a smaller site area as the majority of the site under the previous applications No. A/YL-HT/1061 and A/HSK/156 have been resumed for the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) development¹ (**Plan A-1b**). The Site has adapted its brownfield operations from warehouse and logistics centre to open storage use due to the reduction of site area as a result of land resumption for HSK/HT NDA.
- (b) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones;
- (c) 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 Committee in the adjoining areas;
- (d) the applied use will have insignificant traffic impact. Sufficient maneuvering spaces will be provided within the Site; and
- (e) the applied use will not generate significant environmental impact to the surrounding areas.

¹ The concerned lots with an area of about 14,510m² fall within the First Phase Development of HSK/HT NDA which have been reverted to the Government in 2020.

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. The “Owner’s Consent/Notification” Requirements under TPB PG-No. 31B are not applicable to the GL portion.

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 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 subject to active planning enforcement action against unauthorized development (UD) involving storage use (No. E/YL-HSK/129) (**Plan A-2**). Enforcement Notice (EN) was issued on 4.3.2025 requiring discontinuation of the UD. Site inspection conducted in June 2025 revealed that the UD still continued upon expiry of the notice, and prosecution action is being considered.

6. Previous Applications

- 6.1 The Site, in part or in whole, was involved in 12 previous applications (No. A/YL-HT/12, 54, 123, 185, 235, 273, 383, 533, 727, 897 and 1061 and A/HSK/156) for various temporary open storage, warehouse and logistics uses. 11 of these applications were approved with conditions by the Committee/the Board between 1996 and 2019 while the remaining one was rejected by the Committee in 1996. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.
- 6.2 Application (No. A/YL-HT/12) for temporary open storage of containers with repairing area was rejected by the Committee in 1996 on the grounds that there was insufficient information in the submission to demonstrate that the applied use would not have adverse drainage impact on the surrounding areas; the applied use would have adverse cumulative impact on the traffic of the area and pose hazard to the road safety; the applied use was not in line with the planning intention and there was no strong justification in the submission for a departure of the planning intention.
- 6.3 Nine applications (A/YL-HT/54, 123, 185, 235, 273, 383, 533, 727 and 897) for various temporary open storage uses were approved with conditions by the Committee/the Board between 1998 and 2014 on the considerations that the applied uses were not incompatible with the surrounding areas; being generally in line with the relevant Town Planning Board Guidelines TPB PG-No. 13 and no major adverse comments from concerned government departments. Amongst them, the last application (No. A/YL-HT/897) for temporary open storage use was approved by the Committee on 9.5.2014 for a period of three years based on the same

considerations as mentioned above. The permission was revoked on 9.6.2016 due to non-compliance with approval condition regarding the implementation of FSIs proposal. Compared with the last approved application No. A/YL-HT/897 for temporary open storage use, the current application is submitted by a different applicant at a smaller site with different layout and development parameters.

- 6.4 The other two approved applications (No. A/YL-HT/1061 and A/HSK/156) submitted by a different applicant as the current application for temporary warehouse and logistics centre are not relevant to the current application which is for a different use.

7. Similar Applications

There are ten similar applications involving open storage use within/straddling the same “G/IC” and “O” zones in the past five years. All of them were approved with conditions by the Committee between 2021 and 2025 based on similar considerations as mentioned in paragraph 6.3 above. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1a**.

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

- 8.1 The Site is:

- (a) accessible from Fung Kong Tsuen 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, recycling workshop, parking of trucks and logistics use intermixed with graves and unused land.

9. Planning Intentions

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

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 GL and 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 lots covered by Short Term Waivers (STW) are listed as below:

<u>STW No.</u>	<u>Lot in D.D.128</u>	<u>Purpose</u>
4462	36	Temporary Open Storage of Construction Materials with Ancillary Workshop

<u>STW No.</u>	<u>Lot in D.D.129</u>	<u>Purpose</u>
4828	2991 RP	Temporary Logistics Centre with Ancillary Office and Parking of Vehicles

- (c) the GL in the Site is covered by a Short Term Tenancy (STT) No. 2850 for the purposes of “Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Materials, Tyre Repair Workshop and Ancillary Canteen”;
- (d) he has reservation on the planning application since there are unauthorised structures and/or uses on the Lots 36, 38 S.A and 38 RP in D.D. 128 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularisation the lease breaches as demanded by LandsD; and
- (e) the lot owner(s) shall apply to his office for a STWs to permit the structure erected or to be erected within the subject lots, if any. The STW and STT holder(s) will need to apply to his office for modification of the existing STWs and/or STT conditions where appropriate. The application(s) for the STWs and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STWs and STT, 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 structure will be considered.

11. Public Comment Received During Statutory Publication Period

On 13.5.2025, the application was published for public inspection. During the statutory

public inspection period, a public comment from an individual was received (**Appendix VI**) expressing the view that the previous application No. A/HSK/156 was revoked due to non-compliance with approval condition on the implementation of FSIs proposal and the applicant did not submit FSIs proposal under the current application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of vehicles (private cars) for a period of three years at the Site zoned “G/IC” and “O” on the OZP. Although the applied use is not in line with the planning intentions of the “G/IC” 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 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, recycling workshop, parking of trucks and logistics use intermixed with graves 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 nine previous planning approvals for various temporary open storage uses had been approved by the Committee between 1998 and 2014. While the planning permission under the last application No. A/YL-HT/897 submitted by a different applicant for temporary open storage of container was revoked due to non-compliance with the approval condition regarding the implementation of FSIs proposal, the applicant has submitted the FSIs proposal (**Drawing A-2**) for the current application which involves much smaller site area. The Director of Fire Services (D of FS) has no objection to the application and the FSIs proposal has been accepted by D of FS. In this regard, sympathetic consideration may be given to the application.
- 12.4 Other government departments consulted including the Director of Environmental Protection, Commissioner for Transport and Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application from the environmental, traffic and drainage points of view 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 any potential environmental nuisance on the surrounding areas. Regarding DLO/YL, LandsD’s comments on unauthorised structures and/or uses on Lots 36, 38 S.A and 38 RP 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 Nine previous applications for various temporary open storage uses at the Site and ten similar applications in the past five years had been approved by the Committee.

Approval of the current application is generally in line with the previous decisions of the Committee.

- 12.6 Regarding the public comment as summarised in paragraph 11 above, the planning considerations and assessments 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, 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 **1.8.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the submission of a drainage proposal within **6** months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **1.2.2026**;
- (b) in relation to (a) above, the implementation of the 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 **1.5.2026**;
- (c) in relation to (b) above, the implemented drainage facilities within the site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 **1.5.2026**;
- (e) if the above planning condition (c) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) if any of the above planning condition (a), (b) or (d) 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 intentions of the "G/IC" and "O" zones which are primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory; and 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 respectively. There is no strong justification in the submission for a departure from the planning intentions, 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 received on 9.4.2025
Appendix Ia	FI received on 9.6.2025
Appendix Ib	FI received on 19.6.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous and Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
Drawing A-1	Proposed Layout Plan
Drawing A-2	FSIs 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
AUGUST 2025**