

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/565

- Applicant** : 百年工程有限公司
- Site** : Various Lots in D.D.129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 5,453m² (including GL of about 2.8 m² or 0.05%)
- 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
- Zoning** : (i) “Government, Institution or Community” (“G/IC”) (about 78%); and
[Restricted to a maximum building height of 50mPD]
(ii) area shown as ‘Road’ (about 22%)
- Application** : Temporary Logistics Warehouse and Storage for Construction Machinery Parts with Ancillary Workshop, Office, Guard Room and Staff Canteen for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary logistics warehouse and storage for construction machinery parts with ancillary workshop, office, guard room and staff canteen for a period of three years at the application site (the Site) partly zoned “G/IC” 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 requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied uses without valid planning permission.
- 1.2 The Site is directly accessible from Ping Ha Road and the ingress/egress point is at the western part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, a two-storey temporary structure (about 8.5m in height) with a total floor area of about 3,687m² is used for warehouse, office and staff room while the other 13 temporary structures (one to two storeys, about 2.3m to 6.5m in height) with a total floor area of about 649m² are used for office, guard room, staff canteen, open sheds, storage, electrical meter rooms, toilets, staff room, water tank and pump room. Seven parking spaces for private cars, one parking space for medium goods vehicles (MGVs) and two parking spaces for container vehicles are provided (**Drawing A-1**). The operation hours are from 8:00 a.m. to 9:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. Plans showing the site layout, drainage

facilities and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site, in part of in whole, was involved in 14 previous applications involving various temporary open storage, shop with warehouse and workshop, logistics warehouse and logistics vehicles back-up centre uses, including three applications for temporary shop with warehouse and workshop, logistics warehouse and logistics vehicles back-up centre uses which were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2018 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/69 approved by the Committee on 15.6.2018, the current application is submitted by a different applicant for similar uses at the same site with a similar layout. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

| Major Development Parameters | Last Approved Application (A/HSK/69) (a) | Current Application (A/HSK/565) (b) | Difference (b) – (a) |
|-------------------------------------|--|--|--|
| Applied Uses | Renewal of Planning Approval for Temporary Shop for Construction Machinery Parts with Ancillary Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, Office, Guard Room, and Staff Canteen for a Period of 3 Years | Temporary Logistics Warehouse and Storage for Construction Machinery Parts with Ancillary Workshop, Office, Guard Room and Staff Canteen for a Period of 3 Years | Change of use from shop to storage, deletion of logistics vehicles back-up centre |
| Site Area | About 5,453m ² | | No change |
| Total Floor Area | About 4,050.03m ² | About 4,336m ² | +285.97m² (+7%) |
| No. of Structures | 10 (warehouse, ancillary office, guard room, staff canteen, open shed, storage, electrical meter rooms, toilets, water tank) | 14 (warehouse, offices, staff rooms, guard room, staff canteen, open sheds, storage, electrical meter rooms, toilets, water tank and pump room) | +4 (+40%) |
| Building Height | not more than 8m (1 to 2 storeys) | not more than 8.5m (1 to 2 storeys) | / |
| No. of Car Parking Space | 4 for private cars 4 for light goods vehicles (LGVs) 4 for container vehicles | 7 for private cars 1 for MGVs 2 for container vehicles | +3 for private cars +1 for MGVs -4 for LGVs -2 for container vehicles |
| Operation Hours | 8:00 a.m. to 9:00 p.m., Mondays to Saturdays, with no operation on Sundays and public holidays | | No change |

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

- (a) Application Form with attachments received on 2.5.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 7.5.2025 (Appendix Ia)
- (c) Further Information (FI) received on 7.7.2025* (Appendix Ib)
- (d) FI received on 11.8.2025* (Appendix Ic)
- (e) FI received on 20.8.2025* (Appendix Id)

**accepted and exempted from publication and recounting requirements*

1.6 On 20.6.2025, 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 Id**. They can be summarised as follows:

- (a) previous application No. A/HSK/69 had been approved by the Board at the Site. The Site has been occupied by the same operator (i.e. the applicant of the current application) since the previously approved application. The applicant has submitted drainage and FSIs proposals to support the current application;
- (b) the applied uses are temporary in nature and would not jeopardise the long-term planning of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA);
- (c) the applied uses are 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; and
- (d) the applied uses will not cause adverse environmental, traffic and drainage impacts.

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 Ping Shan Rural Committee. 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 currently not subject to any planning enforcement action.

6. Previous Applications

- 6.1 The Site, in part or in whole, was involved in 14 previous applications (No. A/YL-HT/65, 147, 202, 263, 366, 436, 464, 584, 685, 797, 832, 896 and 957 and A/HSK/69) involving various temporary open storage, shop with warehouse and workshop, logistics warehouse, logistics vehicles back-up centre uses. 13 of these applications were approved with conditions by the Committee/the Board between 1999 and 2018 while the remaining one was rejected by the Committee in 2013. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.
- 6.2 Three of these applications (No. A/YL-HT/896 and 957 and A/HSK/69) for temporary shop with warehouse and workshop, logistics warehouse and logistics vehicles back-up centre uses submitted by a different applicant were approved with conditions by the Committee in 2014 and 2018 mainly on the considerations that the temporary 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. The last previous application No. A/HSK/69 for renewal of planning approval for temporary shop for construction machinery parts with ancillary workshop, logistics warehouse and logistics vehicles back-up centre, office, guard room, and staff canteen was approved by the Committee on 15.6.2018 for a period of three years. The permission was revoked on 20.11.2020 due to non-compliance with the time-limited approval condition regarding the implementation of FSIs proposal.
- 6.3 Application No. A/YL-HT/832 for temporary open storage of container offices, used containers, tools, construction materials, construction machinery, sales of metals with ancillary workshops and logistics vehicles back-up centre for a period of three years, which was rejected by the Board in 2013, is not relevant to the current application which is for different uses.
- 6.4 The other ten approved applications (No. A/YL-HT/65, 147, 202, 263, 366, 436, 464, 584, 685, 797) for various temporary open storage uses were approved by the Committee between 1999 and 2012. The considerations for these applications are also not relevant to the current application which is for different uses.

7. Similar Applications

There are two similar applications (No. A/HSK/316 and 532) involving warehouse and logistics centre uses within/straddling the same “G/IC” zone and area shown as ‘Road’ in the past five years. Both of them were approved with conditions by the Committee between 2021 and 2024 based on similar considerations as mentioned in paragraph 6.2 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-4b)

- 8.1 The Site is:

- (a) directly accessible from Ha Tsuen Road; and
 - (b) currently used for the applied uses without valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by open storage yards, logistics use and vehicle repair workshops intermixed with some residential dwellings and vacant land.

9. Planning Intentions

- 9.1 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.
- 9.2 The concerned area shown as ‘Road’ is reserved for proposed road (i.e. Road D2).

10. Comments from Relevant Government Departments

- 10.1 Apart from the government departments 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 departments have reservation/do not support 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 (OSALs) and GL. The OSALs are 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. No permission is given for the occupation of the GL (about 2.8m² subject to verification) included in the Site. The act of occupation of GL without Government’s prior approval is an offense under Cap. 28;
- (b) the following lots within the Site covered by Short Term Waivers (STWs) are listed as below:

| <u>STW No.</u> | <u>Lot No.</u> <u>(D.D. 129)</u> | <u>Uses</u> |
|----------------|-------------------------------------|---|
| 3054 | 3169 | Ancillary Use to Storage and Temporary Logistics Centre |
| 3242 | 3173 S.B | Workshop and Ancillary Use to Storage of Machinery and Construction Materials |
| 4068 | 3177 | Temporary Logistics Centre and Ancillary Parking of Vehicles |
| 4069 | 3179 and | Temporary Logistics Centre and Ancillary |

| | | |
|------|------------------|---|
| | 3183 | Parking of Vehicles |
| 4373 | 3170 | Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room, and Staff Canteen and Temporary Logistics Centre |
| 4375 | 3173 S.C | Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room and Staff Canteen |
| 4376 | 3175 | Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room and Staff Canteen |
| 4377 | 3176 | Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room and Staff Canteen |
| 4378 | 3184 | Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room and Staff Canteen |
| 4379 | 3178 and 3187 RP | Temporary Shop for Construction Machinery Parts with Warehouse and Workshop, Logistics Warehouse and Logistics Vehicles Back-up Centre, and Ancillary Site Office, Guard Room and Staff Canteen |

- (c) LandsD has reservation on the application since there are unauthorized structures and/or uses on Lots 3172 RP, 3173 Section A RP, and 3185 in D.D. 129, which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify and/or apply for regularization of the lease breaches as demanded by LandsD;
- (d) the lot owner(s) should apply to his office for STW(s) and STT(s) to permit the structures erected or to be erected within the Site, if any and the occupation of the GL. The STW holder(s) should apply to his office for modification of the existing STW(s) conditions where appropriate. The application(s) of STW(s) and STT(s) will be considered by the Government in its capacity as a landlord and there is no guarantee that it/they will be approved. The STW(s) and STT(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 uses are temporary in nature, only erection of temporary structures will be considered; and
- (e) it is noted that a staff resting area is proposed at the Site. The applicant is reminded that no STW application to permit structure for domestic purpose will be considered according to LandsD's prevailing policy. LandsD reserves the right to take enforcement actions against such

domestic purpose structure at the Site, if any.

Environment

10.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) while the applied uses do not involve dusty operation, he does not support the application as the applied uses would generate traffic of heavy vehicles and there are residential uses in vicinity of the Site (the nearest residential dwelling being about 2m away) (**Plan A-2**); and
- (b) no environmental complaints pertaining to the Site were received in the past three years.

11. Public Comment Received During Statutory Publication Period

On 9.5.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VI**) expressing concerns that the justifications for the current application were brief, the approval conditions of the previous application had not yet been complied with and whether any enforcement action has been taken at the Site.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary logistics warehouse and storage for construction machinery parts with ancillary workshop, office, guard room and staff canteen for a period of three years at the Site partly zoned “G/IC” and partly shown as ‘Road’ on the OZP. Whilst the applied uses are 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 in 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 uses are considered not incompatible with the surrounding areas which are predominantly open storage yards, logistics use and vehicle repair workshops intermixed with some residential dwellings and vacant land (**Plan A-2**).
- 12.3 The applied uses are generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and three previous planning applications had been approved by the Committee between 2014 and 2018 involving temporary shop with warehouse and workshop, logistics warehouse and logistics vehicles back-up centre uses. While the planning permission granted under the last approved application No. A/HSK/69 in 2018 submitted by a different applicant was revoked due to non-compliance with the time-limited approval condition regarding implementation of FSIs proposal, relevant proposal has been submitted in the current application and the Director of Fire Services has no objection to the application. In this regard, sympathetic consideration may be given to the application. The applicant will be

advised that should he fail to comply with any of the approval conditions resulting in revocation of planning permission, sympathetic consideration may not be given to any further applications.

- 12.4 Other relevant government departments consulted including the Commissioner for Transport and the Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from traffic and drainage perspectives respectively. While DEP does not support the application as the applied uses involve the use of heavy vehicles and environmental nuisance to the sensitive uses in the vicinity of the Site (**Plan-A-2**) is anticipated, no substantiated environmental complaint pertaining to the Site was received in the past three years. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will 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 nuisances on the surrounding areas. Regarding DLO/YL, LandsD’s comments on unauthorized structures and/or uses at Lots 3172 RP, 3173 S.A RP, and 3185 in D.D. 129, the applicant will be advised to liaise with LandsD on the land administrative matters should the Committee approve the application.
- 12.5 Four similar applications in the past five years had been approved by the Committee as detailed in paragraph 7 above. 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 **5.9.2028**. 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 **5.12.2025**;
- (c) 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 **5.3.2026**;
- (d) in relation to (c) above, the implementation of the revised 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 **5.6.2026**;

- (e) 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
- (f) if any of the above planning condition (b), (c) 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 uses are 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. 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

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| Appendix I | Application Form with Attachments received on 2.5.2025 |
| Appendix Ia | SI received on 7.5.2025 |
| Appendix Ib | FI received on 7.7.2025 |
| Appendix Ic | FI received on 11.8.2025 |
| Appendix Id | FI received on 20.8.2025 |
| 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 | Public Comment |
| Drawing A-1 | Layout Plan |
| Drawing A-2 | Drainage Plan |
| Drawing A-3 | FSIs Plan |
| Plan A-1a | Location Plan with Similar Applications |

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|----------------------------|----------------------------|
| 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
SEPTEMBER 2025**