

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/580

- Applicant** : Mr WU Siu Sing represented by Metro Planning & Development Company Limited
- Site** : Lots 35 (Part), 36 (Part), 37 (Part), 38 S.A (Part), 39 (Part) and 41 (Part) in D.D. 128, Ha Tsuen, Yuen Long
- Site Area** : About 1,648m²
- 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 97%); and
[restricted to a maximum building height (BH) of 8 storeys]

(ii) “Open Space” (“O”) (about 3%)¹
- Application** : Proposed Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction machinery and construction materials 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 at the Site requires planning permission from the Town Planning Board (the Board). The Site is mostly vacant with a small portion at the south used for open storage of construction materials without valid planning permission.
- 1.2 The Site is accessible from Fung Kong Tsuen Road and Kai Pak Ling Road via a local track (**Plans A-2 and A-3**). According to the applicant (**Drawing A-2**), the Site is divided into northern and southern portions with individual ingress/egress point respectively at the west of the Site. A total of seven temporary structures (one to two storeys, not more than 6.5m in height) with a floor area of about 560m² are proposed for storage of construction materials, site office and meter room

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

purposes. About 870m² of open area is used for open storage of construction materials and construction machinery. One loading/unloading (L/UL) space for light goods vehicles (LGVs) (7m x 3.5m) and two parking spaces for private cars (each of 5m x 2.5m) are provided at the northern portion (**Drawing A-2**). No workshop activities will be carried out at the Site. The operation hours are from 7:00 a.m. to 11:00 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 **Drawings A-1 to A-3** respectively.

1.3 The Site, in part or in whole, was involved in 12 previous applications for temporary open storage of construction materials and/or machinery use, which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2021 (details at paragraph 6 below). Compared with the last application No. A/HSK/280 approved with conditions by the Committee on 22.1.2021 and lapsed on 17.3.2024, the current application is submitted by a different applicant for the same proposed use at the same site with a similar layout with addition of open storage of construction machinery and deletion of ancillary workshop.

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

(a) Application Form with attachments received on 26.8.2025 (**Appendix I**)

(b) Further Information (FI) received on 18.9.2025* (**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 at **Appendix I**. They can be summarised as follows:

- (a) previous applications for temporary open storage use have been approved by the Committee at the Site. In the current application, while the occupier of the Site has changed, it is for the same open storage of construction machinery and construction materials (including miniature excavator, electric generator, sanitary ware and pipes). All time-limited approval conditions under the last approved application have been complied with.
- (b) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone. Sympathetic consideration may be given to the proposed use 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 proposed 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; and
- (d) the proposed use will have insignificant traffic, drainage and environmental 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 Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

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 Hung Shui Kiu/Ha Tsuen New Development Area (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. Subject to collection of sufficient evidence, appropriate enforcement action under the Town Planning Ordinance would be taken.

6. **Previous Applications**

The Site, in part or in whole, was involved in 12 previous applications (No. A/YL-HT/53, 160, 181, 265, 266, 401, 402, 572, 754 and 944 and A/HSK/52 and 280) for temporary open storage of construction materials and/or machinery use. All of these applications were approved with conditions by the Committee between 1998 and 2021 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. As for the last application No. A/HSK/280, all time-limited approval conditions have been complied with. The planning permission lapsed on 17.3.2024. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

7. **Similar Applications**

There are ten similar applications involving open storage use within/straddling the subject “G/IC” zone 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 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) accessible from Fung Kong Tsuen Road and Kai Pak Ling Road via a local track; and

- (b) mostly vacant with a portion used for open storage of construction materials without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, logistics use and warehouse intermixed with unused land and grave.

9. **Planning Intention**

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.

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:

<u>STW No.</u>	<u>Lot in D.D. 128</u>	<u>Purposes</u>
4462	35, 36, 37 and 41	Temporary Open Storage of Construction Materials with Ancillary Workshop

- (c) he has reservation on the application since there is/are unauthorised structure(s) within Lot 38 S.A in D.D. 128 which is/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 STWs permit the structure(s) erected within the said private lot(s). The application for STWs will be considered by the Government in

its capacity as a landlord and there is no guarantee that they will be approved. The application, 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 proposed use is temporary in nature, only erection of temporary structures will be considered.

11. Public Comment Received During Statutory Publication Period

On 2.9.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix VII**) expressing view that part of the Site had been operating without planning permission.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction machinery and construction materials for a period of three years at the Site zoned “G/IC” on the OZP. Although the proposed 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 and 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 proposed use is considered not incompatible with the surrounding areas which are predominantly occupied by open storage yards, logistics use and warehouse, intermixed with unused land and grave (**Plan A-2**).
- 12.3 The proposed use is generally in line with TPB PG-No. 13G in that the Site falls within the HSK/HT NDA and 12 previous planning approvals for temporary open storage of construction materials and/or machinery use have been approved by the Committee between 1998 and 2021. For the last approved application No. A/HSK/280, all approval conditions have been complied with. The current application is submitted by a different applicant for the same use at the same site with a similar layout and 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 environmental, traffic, fire safety and drainage perspectives respectively. 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 structure(s) at Lot 38 S.A 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 Twelve previous applications for temporary open storage of construction materials and/or machinery use at the Site and ten similar applications in the past five years had been approved by the Committee. Approval of the current application is 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 in paragraph 12.1 to 12.5 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 **24.10.2028**. 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 **24.1.2026**;
- (c) 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 **24.4.2026**;
- (d) in relation to (c) above, the implementation of the fire service installations proposal within 9 months from the date of ~~commencement of the renewed~~ **the** planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by **24.7.2026**;
- (e) if the above planning condition (a) 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 (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 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 "G/IC" zone which is primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or 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

Appendix I	Application Form received on 26.8.2025
Appendix Ia	FI received on 18.9.2025
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	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendix VII	Public Comment
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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**