

**APPLICATION FOR PERMISSION  
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/HSK/434**

- Applicant** : Set Win Machinery Limited represented by R-riches Property Consultants Limited
- Site** : Lots 1080 (Part), 1083 (Part), 1084 (Part), 1085 (Part), 1087 (Part), 1088 (Part), 1089 (Part), 1090 (Part), 1091 RP (Part), 1104 (Part) and 1109 (Part) in D.D. 124, Hung Shui Kiu, Yuen Long, New Territories
- Site Area** : About 8,610m<sup>2</sup>
- Land Status** : 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 55.6%);  
[Restricted to maximum building heights (BH) of 3, 5 and 8 storeys]  
(ii) “Open Space” (“O”) (about 10.7%); and  
(iii) area shown as ‘Road’ (about 33.7%)
- Application** : Proposed Temporary Parking of Special Purpose Vehicle and Office for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary parking of special purpose vehicle (SPV) (i.e. mobile cranes) and office for a period of three years at the application site (the Site) (**Plan A-1**). The Site is mainly zoned “G/IC” (about 55.6%) and partly “O” (about 10.7%) and area shown as ‘Road’ (about 33.7%) on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the abovementioned zones requires planning permission from the Town Planning Board (the Board). The Site is currently occupied by an open storage yard of construction machinery at its northern part and parking of vehicles at its southern part without planning permission (**Plan A-4a and b**).
- 1.2 The Site is accessible from Hung Chi Road via a local track with the ingress/egress point at the eastern part of the Site (**Drawing A-1 and Plan A-3**). As shown on the layout plan at **Drawing A-2**, there will be three single-storey temporary structures (about 4.5m high with a total floor area of about 638m<sup>2</sup>) for office use to support

the daily operation of the applicant's business. The Site will provide six parking spaces for private cars and 20 parking spaces for SPVs. According to the applicant, the operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays. There will be no operation on Sundays and public holidays. No dismantling maintenance, repairing, cleansing, paint spraying or other workshop activities until be carried out at the Site.

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

- (a) Application Form with attachments received on 20.2.2023 (Appendix I)
- (b) Supplementary Information (SI) received on 22.2.2023 (Appendix Ia)

## **2. Justifications from the Applicant**

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

- (a) The applicant is a construction company specialised in providing construction machinery for local construction contractors. The applied use is primarily for parking of the company's SPVs (i.e. mobile cranes) to meet the pressing demand for construction machinery to support developments of New Development Areas (NDAs). The Site is strategically located within the HSK/HT NDA and close to the New Territories Circular Road (about 1.3km to its northwest), which help reduced time and cost in transportation.
- (b) The Site falls within the remaining phase of the HSK/HT NDA and the proposed use is temporary in nature that would not jeopardise the long-term development of the area.
- (c) The proposed use will not create significant adverse traffic, environmental, landscape and drainage impacts on the surrounding areas. The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department. Adequate mitigation measures including submission of drainage and fire service installations proposals will be provided once the application is approved.

## **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. 31A) by posting site notice and sending notice to the Ha Tsuen Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

#### **4. Background**

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

#### **5. Previous Application**

The majority of the Site is the subject of a previous application (No. A/YL-HT/732) for temporary public vehicle park (excluding container vehicle) with ancillary warehouse (excluding dangerous goods) rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 19.8.2011 on the considerations that the applied use was not in line with the planning intentions of the then “Residential (Group D)” (“R(D)”) and “Residential (Group C)” (“R(C)”) zones<sup>1</sup>; possible adverse environmental impacts; and setting of undesirable precedent. Details of the previous application are summarised in **Appendix II** and its location is shown on **Plan A-1**.

#### **6. Similar Application**

There is a similar application (No. A/HSK/394) for temporary public vehicle park (private car) with ancillary office straddling the same “O” zone and ‘Road’ area on the OZP. The application was approved with conditions by the Committee on 23.9.2022 on the considerations that approval of the application would not frustrate the long-term planning intention of the “O” zone; the applied use was not incompatible with the surrounding land uses; and no adverse comment from concerned government departments. Details of the application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

#### **7. The Site and Its Surrounding Areas (Plans A-1 to Plan A-4b)**

7.1 The Site is:

- (a) accessible from Hung Chi Road via a local track; and
- (b) partly used for open storage of construction machineries at the northern part and parking of vehicles at the southern part which were not covered by valid planning permission; and

7.2 The surrounding areas have the following characteristics:

- (a) to its north are open storage yards of speed boat, construction materials, machinery and container which are all suspected unauthorized developments (UDs), some vacant land, agricultural land and residential dwellings (the nearest being about 39m away);
- (b) to its northeast and east are some warehouses and vehicle repair workshops which are suspected UD;
- (c) to its south is a food factory; and to its southeast are logistic centres which are suspected UD; and

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<sup>1</sup> The site was partly zoned “R(D)” on the then Ha Tsuen OZP No. S/YL-HT/10 and partly “R(C)” on the then Ping Shan OZP No. S/YL-PS/12 at the time of consideration of the application.

- (d) to its west and southwest are a storage yard and some parking of vehicles and lorries which are suspected UD.

## **8. Planning Intentions**

- 8.1 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. It is also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments.
- 8.2 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. Comments from Relevant Government Departments**

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided in **Appendices III and IV** respectively.
- 9.2 The following government departments have adverse comment on the application:

### **Land Administration**

- 9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):
- (a) the application site comprises Old Schedule Agricultural Lot (OSAL) 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 and Government Land (GL);
  - (b) he has grave concerns given that there are unauthorised building works and/or uses on Lot Nos. 1083 and 1084 in D.D. 124 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should remedy the lease breaches as demanded by LandsD; and
  - (c) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing.

### **Environment**

- 9.2.2 Comments of the Director of Environmental Protection (DEP):
- (a) he does not support the application because there are sensitive uses in the vicinity of the Site (the nearest residential dwelling is about 39m

away) (**Plan A-2**) and the use of heavy vehicles is involved. Therefore, environmental nuisance is expected; and

- (b) there was no environmental complaint pertaining to the Site received in the past three years.

## **10. Public Comment Received During Statutory Publication Period**

On 28.2.2023, the application was published for public inspection. During the first three weeks of the statutory public inspection period, three public comments from individuals were received (**Appendices V-1 to V-3**). Two individuals support the application on the grounds that the applied use would provide employment opportunities to local residents and support the territory's infrastructure development. One individual objects to the application on the ground that there is no approval for brownfield use at the Site before.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for temporary parking of SPV and office for a period of three years at the Site which is mainly zoned "G/IC" and partly zoned "O" and shown as 'Road' on the OZP. According to the submitted scheme, the proposed use provides 20 parking spaces for SPVs and three single-storey temporary structures for office use supporting the operation of the applicant's business at the Site. Whilst the applied use is not in line with the planning intention of the "G/IC" and "O" zones, the Project Manager (West), Civil Engineering and Development Department and Director of Leisure and Cultural Services have no objection to the proposed temporary use at the Site. In this regard, approval of the application on a temporary basis of three years will not jeopardise the long-term development of the Site. However, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.
- 11.2 The proposed use is considered not entirely incompatible with the surrounding land uses, which mainly comprise open storage yards, warehouses, workshops and logistics centres intermixed with some residential dwellings and agricultural land at its north (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments, except DLO/YL, LandsD and DEP. DLO/YL expresses concern on the application as there are unauthorised building works at the Site. In this regard, the lot owner(s) should remedy the lease breaches as demanded by LandsD or apply to LandsD to permit the structures to be erected or regularise any irregularity. In addition, DEP does not support the application because there are sensitive uses in the vicinity (the nearest residential dwelling being about 39m away), and environmental nuisance is expected as the applied use involves use of heavy vehicles (**Plan A-2**). However, there was no environmental complaint against the Site over the past three years. To minimise any potential environmental nuisances and should the application be approved, the applicant will be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimise the possible environmental impacts on the nearby sensitive receivers. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2

below. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the site will be subject to planning enforcement action.

- 11.4 The Committee has approved a similar application (No. A/HSK/394) for temporary public vehicle park (private car) with ancillary office within the same “O” zone and ‘Road’ area (**Plan A-1**) in 2022 on considerations that no adverse comments from Government departments; compatible with surrounding land uses; and the approval of the application on temporary basis would not frustrate the long-term planning intention. Approval of the subject application is in line with the Committee’s previous decision.
- 11.5 There are three public comments received during the statutory publication period as summarised in paragraph 10. The planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

## **12. Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comments mentioned in paragraph 10, the Planning Department considers that the proposed temporary parking of special purpose vehicle and office could be tolerated for a period of three years.
- 12.2 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 **31.3.2026**. 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 planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **30.9.2023**;
- (b) in relation to (a) above, the implementation of the drainage proposal within **9** months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **31.12.2023**;
- (c) in relation to (b) above, the implemented drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (d) the submission of a 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 **30.9.2023**;
- (e) in relation to (d) above, 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 **31.12.2023**;
- (f) if any of the above planning condition (c) 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 the above planning condition (a), (b), (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 IV**.

- 12.3 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 intentions of the "G/IC" zone which is the 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; and/or the "O" zone which 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. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.
- 13.3 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.

### **14. Attachments**

<b>Appendix I</b>	Application Form with attachments received on 20.2.2023
<b>Appendix Ia</b>	SI received on 22.2.2023
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendices V-1 to V-3</b>	Public Comments
<b>Drawing A-1</b>	Location Plan with Proposed Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan with Previous and Similar Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2022**