

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

**APPLICATION NO. A/HSK/521**

- Applicant** : Mr. Wong Kwok Wing represented by Metro Planning and Development Company Limited
- Site** : Lots 2420 RP (Part), 2422 RP (Part), 2442 (Part) and 2443 RP (Part) in D.D.129 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long
- Site Area** : About 1,256.5m<sup>2</sup> (including GL of about 45.5 m<sup>2</sup>, or 3.6%)
- 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) “Open Space” (“O”) (about 77.5%); and  
(ii) “Village Type Development” (“V”) (about 22.5%)  
*[restricted to a maximum building height of 3 storeys (8.23m)]*
- Application** : Temporary Open Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials for a period of three years at the application site (the Site) (**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 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 abutting Lau Fau Shan Road, and the ingress/egress point is at the eastern part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there is an area of about 700m<sup>2</sup> (56% of site area) used for open storage of construction materials. Five temporary structures/open sheds (one to two storeys, not more than 6.5m high) with a total floor area of not more than 470m<sup>2</sup> are used for storage, guard room, toilet, office and staff rest room. One loading/unloading (L/UL) space for medium goods vehicles (MGVs) (11m x 3.5m) is provided (**Drawing A-2**). According to the applicant, the operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. No workshop activity would be

allowed on the Site. Plans showing the site layout, as-built drainage facilities and proposed fire service installations (FSIs) submitted by the applicant are at **Drawings A-1 to A-3** respectively.

- 1.3 The Site is involved in 11 previous applications including ten applications for various temporary open storage uses with nine of them approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2000 and 2021 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/339 approved by the Committee on 24.12.2021, the current application is submitted by the same applicant for a similar use at the same site. A comparison of the major development parameters of last application and the current application is summarised as follows:

<b>Major Development Parameters</b>	<b>Last Approved Application (A/HSK/339) (a)</b>	<b>Current Application (A/HSK/521) (b)</b>	<b>Difference (b) – (a)</b>
Applied Use	Renewal of Planning Approval for Temporary Open Storage of Private Car and Ancillary Inspection Centre for a Period of 3 Years	Temporary Open Storage of Construction Materials for a Period of 3 Years	<b>Change in stored items/applied use</b>
Site Area	About 1,256.5m <sup>2</sup>		<b>No change</b>
Total Floor Area	About 450m <sup>2</sup>	Not more than 470m <sup>2</sup>	<b>+20m<sup>2</sup></b>
No. of Structures	5 (storage, guard room, toilet, office and staff rest room)		<b>No change</b>
Building Height	Not more than 3m to 6.5m high (1 to 2 storeys)		<b>No change</b>
No. of Car Parking Space or L/UL Space	12 parking spaces for private cars (each of 5m x 2.5m)	1 L/UL space for MGVs (11m x 3.5m)	<b>-12 parking spaces for private cars +1 L/UL space for MGVs</b>
Operation Hours	from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, no operation on Sundays and public holidays		<b>No change</b>

- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 16.5.2024 (**Appendix I**)
- (b) Supplementary Information (SI) received on 20.5.2024 (**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) A number of previous applications have been approved by the Board at the Site since

2000. The current application has a different stored materials (i.e. wooden pillars) due to a change of tenant when compared with the last approved application No. A/HSK/339. All time-limited approval conditions of the previous application have been complied with.

- (b) The application conforms with the relevant Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The applied uses are not incompatible with the surrounding environment. Similar planning applications for warehouse and open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.
- (d) The impacts in terms of environment, noise, traffic and drainage are expected to be insignificant. The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.

### **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 TPG PG-No.31B are not applicable to the GL portion.

### **4. Town Planning Board Guidelines**

On 14.4.2023, the Board promulgated the revised Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G). 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.

### **6. Previous Applications**

- 6.1 The Site is involved in 11 previous applications covering different extents of the Site. Among them, nine applications (No. A/YL-HT/133, 329, 472, 588, 711, 833, 999 and A/HSK/127 and 339) for various temporary open storage uses were approved by the Committee from 2000 to 2021 mainly on similar considerations that the applied/proposed uses were not incompatible with the surrounding areas; generally in line with the relevant TPB PG-No.13 and having no major adverse comments from concerned government departments. However, one of the planning permissions was subsequently revoked due to non-compliance with time-limited approval conditions. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.

- 6.2 The earlier application No. A/YL-HT/409 for proposed temporary open storage of used plastic ware for a period of three years was rejected by the Committee in 2005 due to insufficient information to demonstrate the development would not have adverse drainage and environmental impacts on the surrounding areas; and being not in line with the planning intentions of the then “Comprehensive Development Area” and “V” zones and the relevant TPB PG-No.13.
- 6.3 The remaining application No. A/YL-HT/246 for temporary container trailer/tractor park for a period of three years was rejected by the Committee in 2002. The considerations for this application are not relevant to the current application which is for a different use.
- 6.4 The last previous application No. A/HSK/339 for renewal of planning approval for temporary open storage of private car and ancillary inspection centre was approved by the Committee on 24.12.2021 for a period of three years. All time-limited approval conditions have been complied with and the planning permission will be lapsed on 1.2.2025.

## **7. Similar Applications**

There are four similar applications involving various open storage uses within/straddling the subject “O” and “V” zones in the past five years which were all approved with conditions by the Committee between 2019 and 2022 based on similar considerations as mentioned in paragraph 6.1 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 to Lau Fau Shan Road; and
  - (b) currently used for the applied use without valid planning permission.
- 8.2 The surrounding areas are predominantly occupied by residential dwellings in San Hing Tsuen, as well as open storage yards and logistics centres intermixed with unused land on the western side of Lau Fau Shan Road. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

## **9. Planning Intentions**

- 9.1 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.
- 9.2 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses (SH) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and

provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

## **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 V and VI** respectively.

10.2 The following government department does not support the application.

### **Environment**

10.2.1 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 being about 26m away) (**Plan A-2**) and the applied uses involve the use of heavy vehicles. Environmental nuisance is expected; 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 24.5.2024, 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 construction materials for a period of three years at the Site partly zoned “O” (about 77.5%) and “V” (22.5%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “O” and “V” zones, relevant departments including the Project Manager (West), Civil Engineering and Development Department and the Director of Leisure and Cultural Services have no adverse comment on the application. According to the District Lands Officer/Yuen Long, Lands Department, there is no SH application approved or under processing at the Site. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, 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.

12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly residential dwellings in San Hing Tsuen, as well as open storage yards and logistics centres intermixed with unused land on the western side

of Lau Fau Shan Road, with some of these uses covered by valid planning permissions (**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 granted from 2000 to 2021. For the last approved application, all approval conditions have been complied with. The current application is submitted by the same applicant for a similar use at the same site. In this regard, sympathetic consideration may be given to this application.
- 12.4 While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 26m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles thus environmental nuisance is expected, there was no environmental complaint pertaining to the Site received in the past three years. 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' in order to minimise the possible environmental nuisance on the nearby sensitive receivers. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Nine previous approvals for various temporary open storage uses were granted for the Site from 2000 to 2021 and four similar applications had been approved by the Committee in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 above, the Planning Department considers that the temporary open storage of construction materials could be tolerated for a period of three years.
- 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 **5.7.2027**. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **5.10.2024**;
- (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 **16.8.2024**;
- (d) 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 **5.1.2025**;

- (e) in relation to (d) above, the implementation of the revised 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 **5.4.2025**;
- (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 intentions of the "O" and "V" zones which are 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; and to designate both existing recognized villages and areas of land considered suitable for village expansion respectively. There is no strong planning 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**

<b>Appendix I</b>	Application Form received on 16.5.2024
<b>Appendix Ia</b>	SI received on 20.5.2024
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 13G
<b>Appendix III</b>	Previous and Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	'Good Practice for Open Storage Sites' by the Fire Services

<b>Drawing A-1</b>	Department
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1a</b>	Proposed FSIs Plan
<b>Plan A-1b</b>	Location Plan with Similar Applications
<b>Plan A-2</b>	Previous Applications Plan
<b>Plan A-3</b>	Site Plan
<b>Plans A-4a and A-4b</b>	Aerial Photo
	Site Photos

**PLANNING DEPARTMENT  
JULY 2024**