

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

**APPLICATION NO. A/HSK/529**

- Applicant** : Mr. Wu Siu Sing represented by Metro Planning and Development Company Limited
- Site** : Lots 39 (Part), 40 (Part), 41 (Part), 52 S.A RP (Part) and 52 S.B (Part) in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,680m<sup>2</sup>
- 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 95%); and  
*[restricted to a maximum building height of 8 storeys]*  
  
(ii) Area shown as ‘Road’ (about 5%)
- Application** : Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of construction machinery and materials for a period of three years at the application site (the Site) mainly zoned “G/IC” with a minor portion 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 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 accessible from Kai Pak Ling Road via a local track, and the two ingress/egress points are at the western part of the Site (**Drawing A-1, Plans A-2 and A-3**). According to the applicant, there are two areas of about 600m<sup>2</sup> and 400m<sup>2</sup> used for open storage of construction machinery and materials. Two one-storey converted containers (not more than 3m high) with a total floor area of not more than 40m<sup>2</sup> are used for storage. Two parking spaces for private cars (each of 5m x 2.5m) and one loading/unloading (L/UL) space for medium goods vehicles (MGVs) (11m x 3.5m) are provided (**Drawing A-2**). According to the

applicant, the operation hours are from 7:00 a.m. to 11:00 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 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 is involved in eight previous applications for various temporary open storage of construction machinery and materials which were all approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1998 and 2019 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/159 approved by the Committee on 19.7.2019, the current application is submitted by the same applicant for the same use at a slightly smaller site with the same layout and the addition of an L/UL space for MGVs.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 20.6.2024 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 26.6.2024 (**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 at the Site have been approved by the Board since 1998. All time-limited approval conditions of the previous application No. A/HSK/159 had been complied with. A fresh application is submitted due to the late renewal of the tenancy at the Site.
- (b) The application conforms with the relevant Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The applied use is not incompatible with the surrounding environment. Similar planning applications for open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (c) No cutting, cleansing, melting, dismantling or any other workshop activity will be carried out at the Site.
- (d) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones.
- (e) The impacts in terms of environment, noise, traffic and drainage are expected to be insignificant.

## **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.

#### **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 eight previous applications (No. A/YL-HT/53, 264, 416, 559, 670, 842 and 1021 and A/HSK/159) covering different extents of the Site for temporary open storage of construction machinery and materials which were all approved by the Committee from 1998 to 2019 mainly on similar considerations that the applied use was 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 in 2009 due to non-compliance with time-limited approval condition. Details of these applications are summarised at **Appendix III** and their boundaries are shown on **Plan A-1b**.

6.2 The last previous application No. A/HSK/159 for temporary open storage of construction machinery and materials was approved by the Committee on 19.7.2019 for a period of three years. All approval conditions had been complied with and the planning permission lapsed on 19.7.2022.

#### **7. Similar Applications**

There are seven similar applications involving various open storage uses within/straddling the subject "G/IC" zone in the past five years which were all approved with conditions by the Committee between 2019 and 2024 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) accessible from Kai Pak Ling 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 and logistics centres intermixed with some residential dwellings, graves and unused

land. 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 “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 the provision of access road.

## **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 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 65m 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 28.6.2024, 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 machinery and materials for a period of three years at the Site mainly zoned “G/IC” (about 95%) with a small portion shown as ‘Road’ (about 5%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “G/IC” zone and the area shown as ‘Road’, relevant departments including the Project Manager (West), Civil Engineering and Development Department has no adverse comment on the application. 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 open storage yards and logistics centres intermixed with some residential dwellings, graves and unused land, 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 eight previous planning approvals for temporary open storage of construction machinery and materials had been granted from 1998 to 2019. For the last approved application, all approval conditions had been complied with. The current application is submitted by the same applicant for the same use at a slightly smaller 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 65m 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 other concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 Eight previous approvals for temporary open storage of construction machinery and materials were granted for the Site from 1998 to 2019 and seven similar applications had been approved by the Committee in the past five years. Approval of the current application is 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 machinery and 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 **16.8.2027**. 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 **16.11.2024**;
- (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 **27.9.2024**;

- (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 **16.2.2025**;
- (e) in relation to (d) above, the implementation of the 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 **16.5.2025**;
- (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 "G/IC" zone and the area shown as 'Road' which are 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 provision of access road 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 20.6.2024
<b>Appendix Ia</b>	SI received on 26.6.2024
<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>	<b>‘Good Practice for Open Storage Sites’ by the Fire Services Department</b>
<b>Drawing A-1</b>	<b>Location Plan with Vehicular Access</b>
<b>Drawing A-2</b>	<b>Proposed Layout Plan</b>
<b>Drawing A-3</b>	<b>As-built Drainage Plan</b>
<b>Plan A-1a</b>	<b>Location Plan with Similar Applications</b>
<b>Plan A-1b</b>	<b>Previous Applications Plan</b>
<b>Plan A-2</b>	<b>Site Plan</b>
<b>Plan A-3</b>	<b>Aerial Photo</b>
<b>Plans A-4a and A-4b</b>	<b>Site Photos</b>

**PLANNING DEPARTMENT  
AUGUST 2024**