

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/541

- Applicant** : Star Mind Corporation Limited represented by Lanbase Surveyors Limited
- Site** : Various Lots in D.D. 125, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 9,500m²
- 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 42.8%);
[Restricted to a maximum building height (BH) of 8 storeys]
- (ii) “Open Space” (“O”) (about 32.7%)
- (iii) “Residential (Group A) 4” (“R(A)4”) (about 21.8%);
[Restricted to maximum plot ratio (PR) of 5 and a maximum BH of 120mPD]
- (iv) “Residential (Group A) 3” (“R(A)3”) (about 0.9%)¹; and
[Restricted to a maximum PR of 5.5 and a maximum BH of 140mPD]
- (v) area shown as ‘Road’ (about 1.8%)¹
- Application** : Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary storage of construction materials and containers, logistics centre and ancillary workshop for a period of three years at the application site (the Site) partly zoned “G/IC”, “O” and “R(A)4” with minor encroachments onto the “R(A)3” zone and area 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 occupied by the structures and used for the applied uses without valid planning permission.
- 1.2 The Site is accessible from Ping Ha Road via a local track and the ingress/egress point is at the western part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, two temporary structures (one to two storeys, 6m and 9m high) with a

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

total floor area of about 7,420.6m² are used for logistics centre and storage. Other six temporary structures (one to two storeys, 2.6m to 5m high) with a total floor area of about 396.8m² are used for ancillary workshop, offices, toilet, security room and water tank and meter room. Workshop activities will only be conducted within Structure No. 3. Eight loading/unloading (L/UL) spaces for heavy goods vehicles will be provided (**Drawing A-1**). The operation hours are from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the site layout with access leading to the Site and fire service installations (FSIs) proposal submitted by the applicant are at **Drawings A-1 and A-2** respectively.

- 1.3 The Site, in part or in whole, was involved in 22 previous applications including three applications for the applied uses as the current application. All these three applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 2015 and 2022 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 11.12.2024 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 17.12.2024 (**Appendix Ib**)
 - (d) Further Information (FI) received on 27.1.2025* (**Appendix Ic**)
 - (e) FI received on 27.2.2025* (**Appendix Id**)

**accepted and exempted from publication and recounting requirements*
- 1.5 On 24.1.2025, 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 SPS at **Appendices I and Ia**. They can be summarised as follows:

- (a) three previous applications for the same use at the Site had been approved by the Board. Most of the approval conditions under previous application No. A/HSK/356 were complied with except for the implementation of FSIs proposal because water supply for the FSIs has not yet been obtained. Existing drainage facilities will be maintained;
- (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 open storage and port back-up uses have been approved by the Board in the adjoining areas; and
- (c) no additional impacts in terms of environment, noise, traffic and drainage are anticipated.

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 publishing notices in local newspapers 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 HSK/HT NDA under the revised Guidelines. Relevant extract of the Guidelines are 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 22 previous applications (No. A/YL-HT/7, 22, 46, 222, 223, 348, 354, 355, 379, 509, 510, 512, 532, 609, 666, 706, 717, 860, 862, 961 and A/HSK/105 and 356) involving various open storage, recyclable collection centre, workshop, logistics centre and storage with/without ancillary workshop uses. Three of these applications (No. A/YL-HT/961 and A/HSK/105 and 356) for the applied uses as the current application were approved with conditions by the Committee between 2015 and 2022 mainly on similar considerations that the applied uses were 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. However, two of the planning permissions (No. A/HSK/105 and 356) were subsequently revoked due to non-compliance with the 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 other 19 applications (No. A/YL-HT/7, 22, 46, 222, 223, 348, 354, 355, 379, 509, 510, 512, 532, 609, 666, 706, 717, 860, 862) involving various open storage, recyclable collection centre and workshop uses were approved or rejected by the Committee or Board between 1996 and 2014. The considerations for these applications are not relevant to the current application which is for different uses.
- 6.3 The last previous application No. A/HSK/356 was approved by the Committee on 10.6.2022 for a period of three years. The permission was revoked on 10.3.2024 due to non-compliance with the time-limited approval condition regarding the implementation of FSIs proposal. Compared with the last application No. A/HSK/356, the current application is submitted by the same applicant for the same uses with the same layout and development parameters at the same site.

7. Similar Applications

There are 13 similar applications involving various logistics centre and/or uses within/straddling the same “G/IC”, “R(A)4” and “O” zones in the past five years. All of them were approved with conditions by the Committee between 2020 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 Ping Ha Road via a local track; and
- (b) currently occupied by the structures and used for the applied uses without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, logistics use, warehouses and vehicle repair workshops. 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 provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory.
- 9.2 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.
- 9.3 The planning intention of the “R(A)” zone is primarily for high-density residential developments.

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 objection to 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) 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 private lots covered by Short Term Waivers (STW) are listed as below:

<u>STW No.</u>	<u>Lot(s) No(s). in D.D. 125</u>	<u>Purposes</u>
4363	1831	Temporary Logistics Centre
4646	1807, 1826, 1827 S.A and 1837	Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop
4647	1836 and 1838	
4656	1827 S.B	
4822	1808 RP and 1809	Temporary Open Storage of Construction Material with Ancillary Site Office
5004	1828	(i) Temporary Logistics Centre and Warehouse for Storage of Metal with Ancillary Workshop; and (ii) Temporary Storage of Construction Materials and Containers, Logistics Centre and Ancillary Workshop
5005	1843, 1844 and 1848	
5006	1849	
5205	1835 and 1841 S.B	(i) Temporary Warehouse for Storage of Electrical Appliances; and (ii) Temporary Warehouse for Storage of Construction Machinery, Construction Material, Food and Electronic Goods
5209	1839, 1841 S.A, 1855 and 1864 RP	Temporary Warehouse for Storage of Electrical Appliances

- (c) the STW/Short Term Tenancy (STT) holder(s) should apply to his office for modification of the STW/STT conditions where appropriate. The application(s) for STW/STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(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 structure(s) will be considered;
- (d) there is unauthorised structure(s) within private Lot 1830 in D.D. 125 not covered by the subject planning application. The lot owner(s) should immediately rectify/regularize the lease breaches and his office reserves the rights to take necessary lease

enforcement action against the breaches without further notice; and

- (e) the lot owner(s)/applicant shall either (i) remove the unauthorised structure(s) not covered by the subject planning application immediately; or (ii) include the unauthorised structure(s) in the subject planning application for the further consideration by the relevant departments and subject to the approval of the Town planning Board to the planning application which, shall have reflected the rectification or amendment as aforesaid required, apply to his office for an STW to permit the structure(s) erected. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The application(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. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/ applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of Government Land;
- (f) unless and until the unauthorised structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the subject planning application, please take it as his office's objection to the application which must be brought to the attention of the Board when they consider the application; and
- (g) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing;

11. Public Comments Received During Statutory Publication Period

On 20.12.2024, 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 storage of construction materials and containers, logistics centre and ancillary workshop for a period of three years at the Site partly zoned "G/IC", "O" and "R(A)4" on the OZP. Whilst the applied uses are not in line with the planning intentions of the "G/IC", "O" and "R(A)" zones, 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 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 land uses which are predominantly occupied by open storage yards, logistics use, warehouses and vehicle repair workshops, with some of these uses covered by valid planning permissions (**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 previous planning approvals involving the Site, in part or in whole, for storage of construction materials and containers, logistics centre and ancillary workshop had been granted from 2015 to 2022. While the planning permission granted under the last application No. A/HSK/356 was revoked due to non-compliance with the time-limited approval condition regarding the implementation of FSIs proposal, relevant proposal has been submitted in the current application which is accepted by the Director of Fire Services. In this regard, sympathetic consideration may be given to the application. Should the application be approved, 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 Director of Environmental Protection, Commissioner for Transport, and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application from the environmental, traffic and drainage points of view respectively. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisance on the nearby sensitive receivers. Regarding DLO/YL, LandsD’s comments on unauthorised structure(s) on Lot 1830 in D.D. 125, the applicant will be advised to liaise with LandsD on the land administrative matters should the Committee approve the application.
- 12.5 Three previous approvals for storage of construction materials and containers, logistics centre and ancillary workshop at the Site were granted from 2015 to 2022 and 13 similar applications had been approved by the Committee between 2020 and 2024. 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 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 **14.3.2028**. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **14.6.2025**;
- (c) the implementation of the accepted 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 **14.12.2025**;
- (d) 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
- (e) if any of the above planning condition (b) or (c) 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 intentions of the "G/IC", "O" and "R(A)" zones which are primarily for provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory; 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 for high-density residential developments respectively. There is no strong 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

Appendix I	Application Form with Attachments received on 11.12.2024
Appendix Ia	SPS
Appendix Ib	SI received on 17.12.2024
Appendix Ic	FI received on 27.1.2025
Appendix Id	FI received on 27.2.2025

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
Drawing A-1	Layout Plan with Vehicular Access
Drawing A-2	FSIs 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
MARCH 2025**