

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/544

- Applicant** : Skywin International Development Limited represented by Metro Planning and Development Company Limited
- Site** : Lots 1842 (Part), 1844 (Part), 1845 (Part), 1846 (Part) and 1849 (Part) in D.D.125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 2,290m² (including GL of about 49.01m² or 2.1%)
- 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** : “Residential (Group A) 3” (“R(A)3”)
[Restricted to a maximum plot ratio of 5.5 and a maximum building height of 140mPD]
- Application** : Proposed Temporary Open Storage of Medium Goods Vehicles and Heavy Goods Vehicles for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of medium goods vehicles and heavy goods vehicles (MGVs/HGVs) 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 at the Site requires planning permission from the Town Planning Board (the Board). The Site is currently used for parking of private cars and container vehicles 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 eastern part of the Site (**Drawing A-2, Plans A-2 and A-3**). According to the applicant, an area of about 1,120m² (about 49%) will be used for open storage of MGVs and HGVs. There is a two-storey temporary structure (not exceeding 6m high) with a floor area of not more than 80m² used for site office and toilet. Two parking spaces for private cars (each of 5m x 2.5m) will be provided (**Drawing A-2**). No workshop activities including vehicle repairing will be carried out at the Site. The operation hours are from 8:00 a.m. to 6:00 p.m. from

Mondays to Saturdays and there would be no operation on Sundays and public holidays. Plans showing the vehicular access leading to the Site, site layout, as-built drainage facilities and proposed fire service installations submitted by the applicant are at **Drawings A-1 to A-4** respectively.

- 1.3 The Site was involved in ten previous applications for various temporary open storage or recyclable collection centre uses, of which nine were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1996 and 2022 while one application was rejected by the Committee in 2001 (details at paragraph 6 below).
- 1.4 Compared with the last application No. A/HSK/420 for temporary recyclable centre (metal) approved by the Committee on 9.12.2022, the current application is submitted by the same applicant for proposed temporary open storage of MGVs/HGVs at the same site.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 9.1.2025 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 13.1.2025 **(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 at **Appendix I**. They can be summarised as follows:

- (a) A number of previous applications have been approved by the Board since 1996 for the same or similar use at the Site. The current application is submitted for a different use as compared with the last approved application No. A/HSK/420.
- (b) The application conforms with the relevant Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses. The proposed 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) The impacts in terms of environment, 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 Ping Shan Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPB 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 extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is currently not subject to any planning enforcement action. Subject to collection of sufficient evidence, appropriate planning enforcement action under the Town Planning Ordinance would be undertaken.

6. Previous Applications

6.1 The Site is the subject of ten previous applications (No. A/YL-HT/7, 223, 345, 511, 608, 706, 965 and 1071 and A/HSK/215 and 420) for temporary open storage or recyclable collection centre uses. Nine of these applications were approved with conditions by the Committee/the Board between 1996 and 2022 while one of these applications was rejected by the Committee in 2001. Details of these applications are summarised at **Appendix III** and their locations are shown on **Plan A-1b**.

Approved Applications

6.2 Six approved applications (No. A/YL-HT/608, 706, 965 and 1071 and A/HSK/215 and 420) were for temporary recyclable collection centre and the considerations are not relevant to the current application which involve different use. Amongst them, the planning permission of the last application was revoked on 16.2.2024 due to non-compliance with approval condition regarding prohibiting workshop activities at the Site.

6.3 Three applications (No. A/YL-HT/7, 345 and 511) for various temporary open storage uses each for a period of three years were approved with conditions by the Committee/the Board between 1996 and 2007 on the considerations that the applied uses were not incompatible with the surrounding areas; being generally in line with the then Town Planning Board Guidelines TPB PG-No. 13 and no major adverse comments from concerned government departments. Amongst them, two of the planning permissions were subsequently revoked due to non-compliance with approval conditions.

Rejected Application

6.4 The remaining application (No. A/YL-HT/223) for open storage of construction machinery and materials was rejected by the Committee in 2001 for the reason that there was insufficient information to demonstrate that the proposed development would not have adverse traffic, drainage and environmental impacts on the surrounding areas.

7. Similar Applications

There are four similar applications involving open storage use within/straddling the subject "R(A)3" zone in the past five years which were all approved with conditions by

the Committee between 2020 and 2024 based on similar considerations as mentioned in paragraph 6.3 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 used for parking of private cars and container vehicles without valid planning permission.

8.2 The surrounding areas are predominantly occupied by open storage yards, warehouses and logistics use. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

9. Planning Intention

The planning intention of the “R(A)” zone is primarily for high-density residential developments.

10. Comments from Relevant Government Departments

All 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.

11. Public Comments Received During Statutory Publication Period

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, two public comments from individuals were received (**Appendices VII-1 and VII-2**) objecting to the application mainly on the grounds that the proposed use would be close to residential areas which might cause nuisances to the nearby residents and the previous application was revoked due to non-compliance with approval condition.

12. Planning Considerations and Assessments

12.1 The application is for proposed temporary open storage of MGVs and HGVs for a period of three years at the Site zoned “R(A)3” on the OZP. Although the proposed use is not in line with the planning intention of the “R(A)” 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 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. However, 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 land uses which are predominantly occupied by open storage yards, warehouses and logistics use, with some of them covered by valid planning permissions (**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 three previous planning approvals for various temporary open storage uses had been granted from 1996 and 2007. The planning permission of last application No. A/HSK/420 for temporary recyclable centre (metal) was revoked due to non-compliance with the approval condition regarding prohibiting workshop activities at the Site. Nevertheless, the current application is for proposed temporary open storage of MGVs/HGVs and the applicant pledges that no workshop activity will be carried out at the Site. In this regard, sympathetic consideration may be given to the application.
- 12.4 Relevant government departments consulted including the Director of Environmental Protection (DEP), Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department have no adverse comment on the application from the environmental, traffic, fire safety and drainage points of view respectively. While there were two substantiated environmental complaints concerning the Site received by DEP in the past three years, they were related to the previous metal recycling activities at the Site which had already ceased operation. To address the concerns on the possible environmental nuisances or 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 relevant mitigation measures and requirements in the revised “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.
- 12.5 Three previous approvals for various temporary open storage uses at the Site were granted from 1996 and 2007 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.
- 12.6 Regarding the public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments 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 comments 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 **28.2.2028**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) no workshop activities including vehicle repairing are allowed on the site during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) 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 **28.5.2025**;
- (d) 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 **11.4.2025**;
- (e) 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 **28.11.2025**;
- (f) if any of the above planning condition (a) or (b) 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
- (g) if any of the above planning condition (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 proposed use is not in line with the planning intention of the "R(A)" zone which is primarily for high-density residential developments. 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 9.1.2025
Appendix Ia	SI received on 13.1.2025
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
Appendices VII-1 and VII-2	Public Comments
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	As-built Drainage Plan
Drawing A-4	Proposed Fire Service Installations 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
FEBRUARY 2025**