

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/545

- Applicant** : 仲順有限公司
- Site** : Various Lots in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 29,240m² (including GL of about 2,720m² or 9.3%)
- 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) “Residential (Group A) 3” (“R(A)3”) (about 47.7%);
[Restricted to maximum plot ratio (PR) of 5.5 and a maximum Building Height (BH) of 140mPD]
- (ii) “Residential (Group A) 4” (“R(A)4”) (about 5.6%);
[Restricted to a maximum PR of 5 and a maximum BH of 120mPD]
- (iii) “Government, Institution or Community” (“G/IC”) (about 38.3%);
[Restricted to a maximum BH of 8 storeys]
- (iv) “Open Space” (“O”) (about 2.8%)¹; and
- (v) area shown as ‘Road’ (about 5.6%)
- Application** : Temporary Open Storage of Construction Machinery and Materials, Scrap Metal and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities 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, scrap metal and used electrical/electronic appliances and parts with ancillary packaging activities for a period of three years at the application site (the Site) partly zoned “R(A)3”, “R(A)4” and “G/IC” and partly shown as ‘Road’ with a minor encroachment onto the “O” zone 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 and parking of heavy goods vehicles and crane trucks without valid planning permission.

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

- 1.2 The Site is accessible from Ping Ha Road via a local track and three ingress/egress points are at the northeastern and southwestern parts of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, three areas with a total area of 5,500m² will be used for open storage of construction machinery and materials, scrap metal and used electrical/ electronic appliances and parts. 25 temporary structures (not more than two storeys and 8m high) with a total floor area of about 2,492.09m² are used for open sheds, offices, toilet and store rooms. Workshop activities will be conducted within structures TS 11, 15, 19 and 23 (**Drawing A-1**). The packaging activities will not involve dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities. All packaging activities will be carried out within enclosed structures. No combustible goods will be stored at the Site. 16 loading/unloading (L/UL) spaces for container vehicles will be provided (**Drawing A-1**). 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. Plans showing the access leading to the Site and site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 and A-2**.
- 1.3 The Site, in part or in whole, was involved in 13 previous applications for various open storage uses. All the applications were approved by the Rural and New Town Planning Committee (the Committee) of the Board between 1996 and 2022 (details at paragraph 6 below) (**Plan A-1b**).
- 1.4 Compared with the last application No. A/HSK/355 approved by the Committee on 18.2.2022, the current application is submitted by the same applicant for the same applied use with a similar layout at a smaller site. A comparison of the major development parameters of the current application and the last approved application is summarised as follows:

Major Development Parameters	Approved Application (A/HSK/355) (a)	Current Application (A/HSK/545) (b)	Difference (b) – (a)
Applied Use	Temporary Open Storage of Construction Machinery and Materials, Scrap Metal and Used Electrical/Electronic Appliances and Parts with Ancillary Packaging Activities for a Period of 3 Years		No change
Site Area	About 32,003m ²	About 29,240m ²	-2,763m² (-9%)
Total Floor Area	About 2,883.09m ²	About 2,492.09m ²	-391m² (-14%)
No. of Structures	26 (open sheds, offices, toilet and store rooms)	25 (open sheds, offices, toilet and store rooms)	-1
Building Height	2.5m to 8m high (1 to 2 storeys)	Not more than 8m high (1 to 2 storeys)	No change in the maximum building height
No. of Car Parking Space or L/UL Bay	16 for container vehicles		No change
Operation Hours	from 7:00 a.m. to 11:00 p.m. from Mondays to Saturdays, no operation on Sundays and public		No change

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

- (a) Application Form with attachments received on 15.1.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 22.1.2025 (Appendix Ia)
- (c) Further Information (FI) received on 20.2.2025* (Appendix Ib)
- (d) FI received on 26.2.2025* (Appendix Ic)

**accepted and exempted from publication and recounting requirements*

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) previous applications for the same use had been approved by the Board at the Site. All approval conditions of the previous applications No. A/HSK/122 and 355 have been complied with. The site area of the current application is smaller than the site of the previous application No. A/HSK/355 since part of the site has been resumed for the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) development;
- (b) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zones. The current application is to allow the continuation of the applied use during the interim period before the Site is resumed for the HSK/HT NDA development;
- (c) the applied use is not incompatible with the surrounding areas. Similar planning applications for open storage and port back-up uses have been approved by the Board in the adjoining areas;
- (d) the applied use will have insignificant traffic impact. Sufficient maneuvering spaces will be provided within the Site; and
- (e) the applied use will not generate significant environmental impact to the surrounding areas as adequate mitigation measures will be provided. The applicant pledges to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise the potential environmental nuisance.

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. 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 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 13 previous applications (No. A/YL-HT/7, 14, 128, 216, 261, 380, 534, 568, 716, 827 and 993 and No. A/HSK/122 and 355) involving various open storage uses with/without ancillary packaging activities. All the applications were approved with conditions by the Committee/the Board between 1996 and 2022 mainly on similar considerations that the applied use was 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, three of the planning permissions 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 last previous application No. A/HSK/355 submitted by the same applicant for the same applied use as the current application was approved by the Committee on 18.2.2022 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 19.2.2025.

7. Similar Applications

There are five similar applications involving various open storage uses within/straddling the same “R(A)3”, “R(A)4” and “G/IC” zones and area shown as ‘Road’ 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-4c)

8.1 The Site is:

- (a) accessible from Ping Ha Road via a local track; and
- (b) currently used for the applied use and parking of heavy goods vehicles and crane trucks without valid planning permissions.

8.2 The surrounding areas are predominantly occupied by open storage yards, logistics use, warehouses and parking of vehicles/trucks intermixed with residential dwellings. 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 “R(A)” zone is primarily for high-density residential developments.
- 9.2 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.
- 9.3 The concerned area shown as ‘Road’ is reserved for a proposed local 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 residential uses in the vicinity of the site (the nearest residential dwelling being about 86m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles, environmental nuisance is expected;
- (b) no substantiated environmental complaints pertaining to the Site were received in the past three years;
- (c) the following approval condition is recommended:
 - no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, is allowed on the site during the planning approval period; and
- (d) should the application be approved, the applicant should note his advisory comments at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 24.1.2025, the application was published for public inspection. During the statutory public inspection period, three public comments from a Yuen Long District Council, Estate Owners’ Committee of Locwood Court and an individual were received (**Appendices VII-1 to VII-3**) objecting to the application mainly on the grounds that the applied use was close to residential areas in Tin Shui Wai and the ancillary packaging activities might cause noise and odour nuisances to the nearby residents; the noise nuisances affected the well-being of the nearby residents; inadequate mitigation measures

on the noise nuisances were proposed in the application; and the applied use contaminated the soil and adversely affected the water quality of Deep Bay and Tin Shui Wai Nullah.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction machinery and materials, scrap metal and used electrical/electronic appliances and parts with ancillary packaging activities for a period of three years at the Site partly zoned “R(A)3” (about 47.7%), “R(A)4” (about 5.6%) and “G/IC” (about 38.3%), and partly shown as ‘Road’ (about 5.6%) on the OZP. Whilst the applied use is not in line with the planning intentions of the “R(A)” and “G/IC” zones, there is no known development proposal at the Site. The Project Manager (West) of Civil Engineering and Development Department (PM(W), CEDD) 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. Regarding the southwestern part of the Site encroaches upon the works limit of a contract under Second Phase development of HSK/HT NDA which will commence in 2025 tentatively, the applicant is advised to liaise with CEDD to ensure that the proposed development would not affect the proposed works under HSK/HT NDA.
- 12.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly occupied by open storage yards, logistics use, warehouses and parking of vehicles/trucks intermixed with residential dwellings, 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 previous planning approvals involving the Site, in part or in whole, for various open storage uses with/without ancillary packaging activities had been granted from 1996 to 2022. For the last approved application No. A/HSK/355, all approval conditions have been complied with. The current application is submitted by the same applicant for the same applied use with a similar layout at a smaller site. In this regard, sympathetic consideration may be given to the application.
- 12.4 Other relevant government departments consulted including the 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 traffic, fire safety and drainage points of view respectively. While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 86m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles thus environmental nuisance is expected, there was no substantiated environmental complaint pertaining to the Site received in the past three years. 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 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.

- 12.5 13 previous approvals for various open storage uses at the Site were granted from 1996 to 2022 and five 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.
- 12.6 Regarding the public comments objecting to the application as summarised in paragraph 11 above, the planning considerations and assessments 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 **14.3.2028**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, is 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 **14.6.2025**;
- (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 **25.4.2025**;
- (e) 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 **14.9.2025**;
- (f) in relation to (e) 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 **14.12.2025**;
- (g) if any of the above planning condition (a) or (b) 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
- (h) if any of the above planning condition (c), (d), (e) or (f) 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 "R(A)" and "G/IC" zones which are primarily for high-density residential developments; and provision of Government, institution or community facilities serving the needs of the local residents and/or wider district, region or territory 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 15.1.2025
Appendix Ia	SI received on 22.1.2025
Appendix Ib	FI received on 20.2.2025
Appendix Ic	FI received on 26.2.2025
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
Appendix VI	'Good Practice for Open Storage Sites' by the Fire Services Department
Appendices VII-1 to VII-3	Public Comments
Drawing A-1	Layout Plan with Vehicular Access
Drawing A-2	As-built Drainage 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 to A-4c	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**