

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

**APPLICATION NO. A/YL-HTF/1175**

- Applicant** : 三寶發展有限公司
- Site** : Lot 186 (Part) in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 900m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ha Tsuen Fringe Outline Zoning Plan (OZP) No. S/YL-HTF/12
- Zoning** : “Residential (Group D)” (“R(D)”)   
*[Restricted to a maximum plot ratio of 0.2 and a maximum building height of 2 storeys (6m)]*
- Application** : Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1**). 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 vacant and fenced-off (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Kai Pak Ling Road and the ingress/egress is at the northern part of the Site (**Plans A-2 and A-3**). As shown on the proposed layout plan at **Drawing A-1**, the Site is for open storage use and two loading/unloading spaces for light goods vehicles will be provided. The operation hours will be from 8:00 a.m. to 8:00 p.m. from Mondays to Saturdays. There will be no operation on Sundays and public holidays.
- 1.3 In support of the application, the applicant submitted the following documents:
- (a) Application Form with attachments received on (**Appendix I**)

5.4.2024

- (b) Supplementary Information (SI) received on 8.4.2024 (**Appendix Ia**)
- (c) Further Information (FI) received on 26.4.2024 (**Appendix Ib**)  
*[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) There are similar planning approvals for open storage use within the same “R(D)” zone and in the vicinity of the Site.
- (b) No workshop activity is proposed at the Site and no medium and heavy goods vehicles will be used.
- (c) No adverse traffic and environmental impacts are anticipated.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not the “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 registered post to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

The Site is currently not subject to any planning enforcement action.

## **5. Town Planning Board Guidelines**

The Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G) promulgated on 14.4.2023 are relevant to the application. The Site is located within Category 2 areas under the TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

**6. Previous Application**

The Site is not involved in any previous application.

**7. Similar Applications**

7.1 There are 12 similar applications (No. A/YL-HTF/1111, 1114, 1115, 1118, 1119, 1122, 1124, 1157, 1164, 1167, 1170 and 1172) involving various temporary open storage uses within the same “R(D)” zone in the past five years. All applications were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2024 mainly on considerations that the development was not incompatible with the surrounding areas; the application was considered in line with the TPB PG-No. 13F/G; concerned government departments generally had no objection to the application and/or the technical concerns could be addressed by approval conditions. However, five of the planning permissions were subsequently revoked due to non-compliance with approval conditions. Details of the applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7.2 For Member’s information, application No. A/YL-HTF/1174 for renewal of temporary open storage of construction materials for a period of three years within the subject “R(D)” zone will also be considered in the same meeting.

**8. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

8.1 The Site is:

- (a) currently vacant and fenced-off; and
- (b) accessible via a local track leading from Kai Pak Ling Road.

8.2 The surrounding areas are predominated by open storage yards, warehouses and graveyards. Some of the open storage and warehouse uses are covered by valid planning permissions while some are suspected unauthorized developments subject to planning enforcement action.

**9. Planning Intention**

The “R(D)” zone is intended primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

**10. Comments from Relevant Government Departments**

All government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided in **Appendices IV and V** respectively.

**11. Public Comment Received During the Statutory Publication Period**

On 12.4.2024, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) objecting to the application on the grounds that an area for open storage use is already available in the close proximity and there are graves on the Site.

**12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary open storage of construction materials for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the proposed use is not in line with the planning intention of the “R(D)” zone, there is no known development proposal for implementing the zoned use at the Site. Approval of the application on a temporary basis for a period of three years will not frustrate the long-term planning intention of the “R(D)” zone.
- 12.2 The Site is located in an area predominated by open storage yards and warehouses (with some of them covered by valid planning permissions), as well as graveyards. The proposed use is considered not incompatible with the surrounding areas.
- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13G. The proposed use is generally in line with the TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport, Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental and fire safety perspectives. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.4 The Committee has approved 12 similar applications involving various open storage uses within the same “R(D)” zone in the past five years mainly on considerations summarised in paragraph 7.1 above. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.5 Regarding the public comment objecting to the application, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant, and the Site is currently vacant without any graves.

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

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department considers that the proposed 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 24.5.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### Approval conditions

- (a) no vehicle exceeding 5.5 tonnes, including medium goods vehicle, heavy goods vehicle and container trailer/tractor, as defined in the Road Traffic Ordinance, is allowed to enter/exit or to be parked/stored on the site at any time during the planning approval period;
- (b) the submission of a drainage proposal within **6 months** from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.11.2024;
- (c) in relation to (b) above, the implementation of the drainage proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 24.2.2025;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 5.7.2024;
- (f) the submission of a fire service installations proposal within **6 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.11.2024;
- (g) in relation to (f) above, the implementation of the fire service installations proposal within **9 months** from the date of the planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.2.2025;
- (h) if any of the above planning condition (a) or (d) 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

- (i) if any of the above planning condition (b), (c), (e), (f) or (g) 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(D)" zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. There is no strong planning justification in the submission for a departure from such 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**

<b>Appendix I</b>	Application Form with Attachments received on 5.4.2024
<b>Appendix Ia</b>	SI received on 8.4.2024
<b>Appendix Ib</b>	FI received on 26.4.2024
<b>Appendix II</b>	Extract of the 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' issued by the Fire Services Department
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Proposed Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan

**Plan A-3**  
**Plan A-4**

Aerial Photo  
Site Photos

**PLANNING DEPARTMENT**  
**MAY 2024**