

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/YL-HTF/1184

- Applicant** : Mr. WONG Sun Kwong represented by Metro Planning & Development Company Limited
- Site** : Lots 182 S.A RP (Part), 185 S.A, 185 S.B (Part) and 185 S.C in D.D. 128, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 5,270m²
- 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** : Temporary Open Storage of Construction Materials and Metal for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials and metal for a period of three years at the application site (the Site) zoned “R(D)” on the OZP (**Plan A-1a**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently occupied for the applied use without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site is accessible via a local track leading from Fung Kong Tsuen Road and the ingress/egress is at the southwestern part of the Site (**Plans A-2 and A-3**). According to the applicant, the Site is mainly used for open storage of construction materials and metal (about 4,200m² or 80% of site area) and three one-storey (3 to 6.5m in height) structures with a total floor area of not more than 460m² are erected for warehouse (storage of construction materials and metal) and toilet uses (**Drawing A-1**). No workshop activity will be carried out at the Site. Two loading/unloading spaces for light goods vehicles are

provided, and no medium or heavy goods vehicle or container trailer/tractor will be used. The operation hours are from 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, and there is no operation on Sundays and public holidays. Plans showing the site layout, proposed drainage facilities and vehicular access submitted by the applicant are at **Drawings A-1 to A-3** respectively.

1.3 In support of the application, the applicant submitted the following documents:

- (a) Application Form with attachments received on (**Appendix I**) 9.1.2025
- (b) Supplementary Information (SI) received on (**Appendix Ia**) 10.1.2025

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** respectively. They can be summarised as follows:

- (a) Planning permission for recyclable collection centre use was previously granted at the Site. The operator of the Site has been changed.
- (b) The applied use is not incompatible with the surrounding areas, which are characterised by port back-up and open storage uses.
- (c) The Site falls within Category 2 areas under 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).
- (d) No adverse traffic and drainage impacts are anticipated.
- (e) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the “R(D)” zone.

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

Majority of the Site is the subject of active planning enforcement cases (No. E/YL-HTF/960 and E/YL-HTF/961) both against unauthorized developments (UDs)

involving storage use (including deposit of containers for case No. E/YL-HTF/960) (**Plan A-2**). Enforcement Notices (ENs) were issued on 12.12.2024 requiring discontinuation of the UD. The Site is being closely monitored under established practice.

5. Town Planning Board Guidelines

TPB PG-No. 13G promulgated on 14.4.2023 are relevant to the application. The Site is located within Category 2 areas under TPB PG-No. 13G. Relevant extract of the Guidelines is at **Appendix II**.

6. Previous Application

The Site was involved in a previous application (No. A/YL-HTF/1142) for temporary recyclable collection centre approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2023. The planning permission was subsequently revoked due to non-compliance with time-limited approval conditions related to the submission and/or implementation of drainage and fire service installations proposals. The considerations of the previous application are not relevant to the current application, which involves a different use. Details of this application are summarised at **Appendix III** and the location is shown on **Plan A-1b**.

7. Similar Applications

There are 15 similar applications (No. A/YL-HTF/1111, 1114, 1115, 1118, 1119, 1122, 1124, 1157, 1164, 1167, 1170, 1172, 1174, 1175 and 1176) 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 Committee between 2021 and 2024 mainly on considerations that the applied use was not incompatible with the surrounding areas; the application was considered in line with 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. Details of these similar 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-4)

8.1 The Site is:

- (a) occupied for the applied use without valid planning permission; and
- (b) accessible via a local track leading from Fung Kong Tsuen Road.

8.2 The surrounding areas are predominated by open storage yards, warehouses, recyclable collection centres and vacant/unused land. Some of the open storage, warehouse and recyclable collection centre uses are covered by valid planning permissions, while some are suspected UDs 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 14.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) expressing concerns on the Committee’s streamlining arrangement on consideration of planning applications and that the approval conditions of the previous application have not been complied with.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction materials and metal for a period of three years at the Site zoned “R(D)” on the OZP. Whilst the applied 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, warehouses, recyclable collection centres (with some of them covered by valid planning permissions), as well as vacant/unused land. The applied use is considered not incompatible with the surrounding areas.

12.3 The Site falls within Category 2 areas under TPB PG-No. 13G. The applied use is generally in line with TPB PG-No. 13G in that relevant government departments, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application from traffic, environmental, drainage and fire safety perspectives respectively. To address the technical requirements of concerned government departments, appropriate 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 any possible environmental nuisance on the surrounding areas.

- 12.4 The Committee has approved 15 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 above. Approval of this application is generally in line with the previous decisions of the Committee.
- 12.5 Regarding the public comment expressing concerns on the application, the planning considerations and assessments in paragraphs 12.1 to 12.4 above are relevant. The comment on the Committee's streamlining arrangement for considering planning applications is not a relevant consideration for this application.

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 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) the submission of a revised 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 **28.8.2025**;
- (b) in relation to (a) above, the implementation of the revised 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 **28.11.2025**;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (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 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 **28.8.2025**;

- (f) in relation to (e) 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 **28.11.2025**;
- (g) if the above planning condition (c) 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 (a), (b), (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 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

Appendix I	Application Form with Attachments received on 9.1.2025
Appendix Ia	SI received on 10.1.2025
Appendix II	Extract of TPB PG-No.13G

Appendix III

Appendix IV

Appendix V

Appendix VI

Appendix VII

Drawing A-1

Drawing A-2

Drawing A-3

Plans A-1a and A-1b

Plan A-2

Plan A-3

Plan A-4

Previous and Similar Applications

Government Departments' General Comments

Recommended Advisory Clauses

'Good Practice for Open Storage Sites' issued by the

Fire Services Department

Public Comment

Layout Plan

Drainage Plan

Vehicular Access Plan

Location Plans

Site Plan

Aerial Photo

Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**