

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/546

- Applicant** : Excel Champ Limited (卓安有限公司) represented by Goldrich Planners and Surveyors Limited
- Site** : Lots 34 (Part), 35 (Part), 40 RP (Part) and 41 RP (Part) in D. D. 124, Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,635m²
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Shui Kiu and Ha Tsuen Outline Zoning Plan (OZP) No. S/HSK/2
- Zonings** : “Village Type Development” (“V”) (about 79%); and
[*Restricted to a maximum building height of 3 storeys (8.23m)*]
“Open Space” (“O”) (about 21%)
- Application** : Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Office for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) with ancillary office for a period of three years at the application site (the Site) zoned “V” and “O” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the zone requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission (**Plans A-2 to A-4**).
- 1.2 The Site is accessible from Tin Ha Road via a local track and the ingress/egress point is located at the southern part of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, four single-storey temporary structures (not more than 10m in height) with a total floor area of 1,381m² are used for warehouse for storage of construction materials (excluding dangerous goods godown), canopies, toilet, office and guard room. Two parking spaces for private cars (5m x 2.5m each) and two loading/unloading spaces for medium goods vehicles (11m x 3.5m each) will be provided (**Drawing A-2**). No dangerous goods, workshop activities, public announcement systems, whistle blowing or portable loudspeaker will be allowed or conducted at the Site. The operation hours are from 9:00 a.m. to 7:00 p.m. from

Mondays to Saturdays with no operation on Sundays and public holidays. Plans showing the access leading to the Site, site layout, drainage proposal and fire service installations (FSIs) facilities submitted by the applicant are at **Drawings A-1 to A-4** respectively.

1.3 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) Further information (FI) received on 13.5.2025 **(Appendix Ia)**
[accepted and exempted from publication and recounting requirements]

1.4 On 14.3.2025, the Rural and New Town Planning Committee (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 with attachments and FI at **Appendices I and Ia**. They can be summarised as follows:

- (a) the application serves to meet the strong demand for warehouses in Yuen Long area;
- (b) the applied use is temporary in nature and similar planning applications have been approved by the Committee in the “V” and “O” zones within the OZP. Approval of the application would not jeopardise the long-term planning intentions of the “V” and “O” zones; and
- (c) the applied use would not cause significant adverse traffic, environmental, fire safety and drainage impacts to the surrounding areas. Adequate mitigation measures are provided as detailed in the submission of drainage and FSIs proposals.

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. Background

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

5. Previous Application

The Site was involved in a previous application No. A/HSK/375 for temporary wholesale

trade use submitted by the same applicant as the current application with similar layout. It was approved by the Committee on 24.6.2022 for a period of three years mainly on the considerations that the applied use was not incompatible with the surrounding areas and no major adverse comments from concerned government departments. The permission was revoked on 24.12.2023 due to non-compliance with time-limited approval conditions regarding the submission and implementation of the drainage and FSI proposals. Details of the application is summarised at **Appendix II** and its boundary is shown on **Plan A-1**.

6. Similar Applications

There are four similar applications (No. A/HSK/351, 424, 467 and 537) involving warehouse use straddling the same “V” and “O” zones in the past five years which were approved with conditions by the Committee between 2022 and 2024 based on similar considerations as mentioned in paragraph 5 above. Details of these applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Tin Ha Road via a local track; and
- (b) currently occupied by a warehouse and temporary structures without valid planning permission.

7.2 The surrounding areas are predominantly occupied by warehouses, a logistic centre, workshops, parking of vehicles, storage uses and a residential dwelling.

8. Planning Intentions

8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small House (SH) by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted House. Other commercial, community and recreational uses may be permitted on application to the Board.

8.2 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. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department has reservation on the application:

Land Administration

9.2.1 Comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD):

- (a) the Site comprises Old Schedule Agricultural Lots 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) Lot 35 in D.D. 124 is covered by Short Term Waiver (STW) No. 2321 for the purpose of vehicle repairing workshop (excluding paint-spraying);
- (c) he has reservation on the planning application since there are unauthorized structures on the private Lots 34 and 41 RP in D.D. 124 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/apply for regularization of the lease breaches as demanded by LandsD;
- (d) the STW holder(s) will need to apply to his office for modification of the STW conditions where appropriate. The lot owner(s) of Lots 34, 40 RP and 41 RP in D.D. 124 should apply to his office for STWs to permit the structure(s) erected within the said private lots. The application(s) for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW(s), if approved, will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (e) no SH application is under processing or approved at the Site; and
- (f) his advisory comments are at **Appendix IV**.

10. Public Comment Received During Statutory Publication Period

On 24.1.2025, the application was published for public inspection. During the statutory public inspection period, a public comment from an individual was received (**Appendix V**) expressing views that the approval conditions of the previous application were not complied with, and the Site mainly falling within “V” zone should be reserved for SH development.

11. Planning Considerations and Assessments

11.1 The application is for temporary warehouse (excluding dangerous goods godown) with ancillary office for a period of three years at the Site zoned “V” and “O” on the OZP. Whilst the applied use is not in line with the planning intentions of the “V” and “O” zones, the Project Manager (West), Civil Engineering and Development Department has no objection to the application and advises that although the Site falls within the Second Phase Development of Hung Shui Kiu/Ha Tsuen New

Development Area (i.e. part of the Site zoned “O”), it falls outside the works site. Director of Leisure and Cultural Services also has no objection to the application and has no plan to develop the Site into public open space in the upcoming three years. Besides, DLO/YL, LandsD advises that there is no SH application approved or under processing at the Site. In this regard, 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 the implementation of government project and advised not to carry out any substantial works therein.

- 11.2 The applied use is considered not incompatible with the surrounding areas which are predominantly occupied by warehouse, logistic centre, workshop, parking of vehicle and storage uses (**Plan A-2**).
- 11.3 Concerned government departments consulted including the Commissioner for Transport, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North of Drainage Services Department (CE/MN of DSD) have no objection to or no adverse comment on the application from traffic, environmental, fire safety and drainage perspectives respectively. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 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 surrounding areas. Regarding DLO/YL, LandsD’s comments on unauthorized structures on Lots 34 and 41 RP in D.D. 124, the applicant will be advised to liaise with LandsD on the land administrative matters should the Committee approve the application.
- 11.4 The last application (No. A/HSK/375) for temporary wholesale trade submitted by the same applicant covering almost the same site as current application with similar layout was approved by the Committee in 2022 but the planning permission was revoked due to non-compliance with the time-limited approval conditions regarding drainage and FSIs proposals. The applicant has submitted drainage and FSIs proposals in support of the current application and CE/MN of DSD and D of FS have no objection to the application. In this regard, sympathetic consideration may be given to the application. Should the application be approved, the applicant will be advised that should it 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.
- 11.5 Regarding the public comment as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.4 above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 above and having taken into account the public comment mentioned in paragraph 10, the Planning Department has no objection to the application.
- 12.2 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

4.7.2028. 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 the planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by **4.1.2026**;
- (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 **4.4.2026**;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 **4.1.2026**;
- (e) in relation to (d) above, the implementation of the revised 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 **4.4.2026**;
- (f) 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
- (g) if any of the above planning condition (a), (b), (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 IV**.

- 12.3 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 "V" and "O" zones, which are primarily for development of Small Houses by indigenous villagers, and 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 respectively. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant permission.
- 13.2 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.

- 13.3 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.

14. Attachments

Appendix I	Application Form with Attachments received on 15.1.2025
Appendix Ia	FI received on 13.5.2025
Appendix II	Previous and Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Location Plan with Vehicular Access
Drawing A-2	Proposed Layout Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
JULY 2025**