

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/SK-HC/366

- Applicant** : Mr Wong Kin Wah represented by Mr Wong Chik Lim
- Site** : Lot 505 in D.D. 210 and Adjoining Government Land (GL), Luk Mei Tsuen Road, Ho Chung, Sai Kung, New Territories
- Site Area** : About 1,430m² (including about 1,320m² GL (about 92%))
- Lease** : Lot 505 in D.D. 210: New Grant No. 3985 (demised for agriculture purpose and no structure shall be erected)
- Plan** : Draft Ho Chung Outline Zoning Plan (OZP) No. S/SK-HC/12
- Zoning** : “Residential (Group E)” (“R(E)”)
[restricted to a maximum plot ratio of 0.4 and a maximum building height of 9m with 2 storeys over one storey of carport]
- Application** : Proposed Temporary Office with Ancillary Car Park for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary office with ancillary car park for a period of three years at the application site (the Site) which falls within an area zoned “R(E)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Office’ is a Column 2 use within “R(E)” zone which requires planning permission from the Town Planning Board (the Board).
- 1.2 The Site has been hard-paved, which is now mostly vacant. Together with the adjoining Lot 325 RP and the adjoining GL outside the application boundary, the Site has been fenced off with corrugated iron sheet at the eastern, northern and western sides. There is no fencing between the Site and Lot 325 RP. The Site is directly accessible by vehicle with the proposed ingress/egress located at Lot 325 RP which is outside the Site and at the junction of Luk Mei Tsuen Road and Hiram’s Highway. As indicated in the applicant’s layout plan (**Drawing A-1**), a one-storey (4m in height) temporary structure with total covered floor area of 110m² on private land portion will be used as office serving a construction materials trading company. Nevertheless, the applicant

did not provide neither information on the operation of the proposed office nor the reasons of locating such proposed office at the Site. According to the applicant, one parking space for private car (2.5m x 5m) and one loading/unloading (L/UL) bay with turning circle with 11.6m radius for medium goods vehicles (MGVs) are also proposed in GL portion. The remaining 1,320m² which is entirely GL would be kept as open area without stating any purpose and the applicant did not substantiate on the reason of acquiring such large area of GL for the proposed office. The operation hours of the proposed use would be from 8:00 a.m. to 5:00 p.m. from Mondays to Saturdays except public holidays and Sundays.

1.3 According to the applicant, fence wall of 10m high along the northwestern side of the Site will be erected to minimise the environmental nuisance arisen from the proposed use to the adjacent village houses (**Appendix Ic**). In view of two slope features within the Site, the applicant submitted a Geotechnical Planning Review Report which demonstrates that the proposed use is geotechnically feasible and any upgrading works will be proposed at the later stage to relevant government departments if necessary (**Appendix Ib**).

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

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|-----|---|------------------------|
| (a) | Application Form received on 11.2.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 25.2.2025 [#] | (Appendix Ia) |
| (c) | FI received on 16.5.2025 [*] | (Appendix Ib) |
| (d) | FI received on 11.6.2025 [#] | (Appendix Ic) |

[#] accepted and exempted from publication and recounting requirements

^{*} accepted but not exempted from publication and recounting requirements

1.5 On 11.4.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in Part 7 of the Application Form at **Appendix I** and summarised below:

- (a) the current application is to utilise the land resources efficiently in Sai Kung area where most of agricultural land was abandoned;
- (b) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone; and
- (c) no adverse impacts in traffic, geotechnical, landscape and visual aspects are anticipated.

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

The applicant is the sole “current land owner” of the lot of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the above requirements are not applicable.

4. **Background**

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

5. **Previous Applications**

- 5.1 The Site was involved in eight previous applications (No. A/DPA/SK-HC/25, A/SK-HC/63, 69, 82, 93, 101, 106 and 108). Among these, six applications for temporary retail market for preserved fruits, agricultural and horticultural products and temporary plant nursery were approved by the Committee with or without conditions between 1998 and 2003. The remaining two for 13 village-type houses and temporary exhibition and sales centre for agricultural products were rejected by the Board on review/the Committee in 1992 and 2000 respectively. As the proposed use of the current application is different from those of previous applications, it is thus considered not relevant to the current application.
- 5.2 The Lot forms part of the subject site of an application (No. A/SK-HC/353) submitted by the same applicant in 2024 for proposed temporary open storage of construction material and warehouse for a period of three years, which was subsequently withdrawn (**Plan A-2a**).
- 5.3 Details of these previous applications are summarised in **Appendix II** and their locations are shown on **Plan A-2a**.

6. **Similar Application**

There is no similar application for office use within the “R(E)” zone on the OZP.

7. **The Site and Its Surrounding Areas** (**Plans A-1** and **A-2**, aerial photo on **Plan A-3** and site photos on **Plan A-4**)

7.1 The Site is:

- (a) hard-paved, which is now mostly vacant. Together with the adjoining Lot 325 RP and the adjoining GL outside the application boundary, the Site has been fenced off with corrugated iron sheet at the eastern, northern and western sides. There is no fencing between the Site and Lot 325 RP; and
- (b) directly accessible by vehicle via proposed ingress/egress located at Lot

325 RP which is outside the Site and at the junction of Luk Mei Tsuen Road and Hiram's Highway.

- 7.2 The surrounding areas are of settled valleys landscape dominated by temporary structures and village houses or low-rise residential setting. To the immediate east is an area with temporary structures for storage use within the same fenced-off area of the Site (i.e. Lot 325 RP and adjoining GL) (**Plan A-4**). To the south across Luk Mei Tsuen Road are some densely vegetated slopes within the "GB" zone. To the north and west are low-rise residential developments, village dwellings, vehicle repair workshops, food-processing factories and temporary structures. To the east across Hiram's Highway is a large-scale low-rise residential cum marina development namely Marina Cove. To the further north, west and south are Luk Mei Tsuen, Ho Chung Village and Ho Chung New Village respectively.

8. Planning Intention

The planning intention of the "R(E)" zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. Whilst existing industrial uses will be tolerated, new industrial developments are not permitted in order to avoid perpetuation of industrial/residential interface problem.

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 recommended advisory comments are provided in **Appendices III and IV** respectively.

- 9.2 The following government department objects to the application:

Land Administration

- 9.2.1 Comments of the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD):

- (a) objects to the application since there is illegal occupation of GL included in the Site in which regularisation would not be considered according to the prevailing land policy;
- (b) any occupation of GL without Government's prior approval is not allowed. The lot owner should cease existing occupation of GL as demanded by her office. Her office reserves the right to take land control action and consider disposal of the concerned GL as appropriate;
- (c) there is no STT covering the GL and no permission is given for occupation of GL included in the Site;

- (d) as the GL portion accessible from Luk Mei Tsuen Road is considered capable of reasonable separate alienation, her office would not normally consider application for Short Term Tenancy (STT) by direct grant of the GL even planning approval is given to the proposal;
- (e) the Site falls on Lot 505 in D.D. 210 (the Lot) and adjoining GL. The Lot is held under New Grant No. 3895 for agriculture purpose only and no structure shall be erected on the lot;
- (f) there is no Short Term Waiver covering the Lot; and
- (g) other detailed comments are in **Appendix III**.

10. Public Comments Received During Statutory Publication Periods

On 18.2.2025 and 30.5.2025, the application and its FI were published for public inspection. During the statutory public inspection periods, ~~two~~ **three** public comments were received (*Appendix V*). **Two comments** from the same individual **objecting object** to the application mainly on the grounds of excessive amount of GL involved in the Site and the deficiency of community facilities in the area (~~Appendix V~~). **The remaining one suggests the Site could be used for public metered parking.**

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary office with ancillary car park for a period of three years at the Site falling within the “R(E)” zone on the OZP. According to the applicant, the proposed use has a one-storey (4m in height) temporary structure with total covered floor area of 110m² (8% of the Site) on private land portion, which will be used as office serving a construction materials trading company. The remaining 1,320m² (92% of the Site) which is entirely GL would be kept as open area. Nevertheless, the applicant did not provide neither information on the operation of the proposed office nor the reasons of locating such proposed office at the Site and the applicant did not substantiate on the reason of acquiring such large area of GL for the proposed office. The planning intention of the “R(E)” zone is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board. The proposed office use is not in line with the planning intention of “R(E)” zone and there is no strong planning justification given in the submission for a departure of the planning intention of “R(E)” zone, even on a temporary basis.

11.2 The Site has been hard-paved, which is now mostly vacant. Together with the adjoining Lot 325 RP and the adjoining GL outside the application boundary, the Site has been fenced off with corrugated iron sheet at the eastern, northern and western sides. There is no fencing between the Site and Lot 325 RP. The surrounding area mainly comprises vehicle repairing workshops, food-processing factories, low-rise residential developments, village dwellings and temporary structures to the west and north and some densely vegetated slopes

to the southwest. The proposed office use is considered not incompatible with the surrounding land uses.

- 11.3 Apart from the private lot (i.e. Lot 505) owned by the applicant, about 1,320m² (about 92%) of the Site solely for one private car parking space and one L/UL bay for MGVs is on GL without stating other purpose. DLO/SK, LandsD objects to the application as there is unauthorised occupation of GL in which any occupation of GL without Government's prior approval is not allowed. She further advises that the GL portion accessible from Luk Mei Tsuen Road is considered capable of reasonable separate alienation, her office would not normally consider application for STT by direct grant of the GL even planning approval is given to the proposal. There is no fencing between the Site and Lot 325 RP. Also, the Site can only be accessed by vehicle from Hiram's Highway and Luk Mei Tsuen Road through the proposed ingress/egress located at Lot 325 RP outside the Site. Other relevant government departments, including Commissioner for Transport, Director of Environmental Protection, Chief Highway Engineer/New Territories, Highways Department, Chief Engineer/Mainland South, Drainage Services Department, Director of Fire Services and Head of Geotechnical Engineering Office, Civil Engineering and Development Department have no objection to or no comment on the proposed use.
- 11.4 Regarding the public comments objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.3 above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10, the Planning Department does not support the application for the following reason:

the proposed use is not in line with the planning intention of "Residential (Group E)" zone which is primarily for phasing out of existing industrial uses through redevelopment for residential use on application to the Board respectively. There is no strong justification in the submission for a departure from the planning intention, even on a temporary basis.

- 12.2 Alternatively, 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 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 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 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 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 be on the same date be revoked without further notice.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form received on 11.2.2025
Appendix Ia	FI received on 25.2.2025
Appendix Ib	FI received on 16.5.2025
Appendix Ic	FI received on 11.6.2025

Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout plan submitted by the applicant
Plan A-1	Location plan
Plans A-2a and A-2b	Site plans
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2025**