

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

**APPLICATION NO. A/HSK/509**

- Applicant** : Sun Loyal Holdings (HK) Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 673 (Part), 674 (Part), 675 S.A, 675 S.B and 676 (Part) in D.D. 125 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : About 1,480m<sup>2</sup> (including GL of about 21m<sup>2</sup> or 1.4%)
- 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
- Zoning** : “Open Space” (“O”)
- Application** : Temporary Warehouse for Storage of Food Provision for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of food provision for a period of three years at the application site (the Site) (**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 used for the applied use without valid planning permission.
- 1.2 The Site is accessible from San Sik Road via a local track and the ingress/egress point is at the southern part of the Site (**Plans A-2 and A-3**). According to the applicant, there are four temporary structures (one to two storeys, not more than 8m high) with a total floor area of not more than 1,068m<sup>2</sup> used for warehouse for storage of food provision, water tank and pump room, site office and toilet. One loading/unloading space for light goods vehicle (7m x 3.5m) is provided (**Drawing A-2**). The operation hours are from 9:00 a.m. to 7:00 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, site layout and as-built drainage facilities submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.3 The Site is involved in four previous applications including three applications for temporary warehouse for storage of food provision which were all approved by the

Rural and New Town Planning Committee (the Committee) of the Board between 2015 to 2021 (details at paragraph 5 below). Compared with the last approved application No. A/HSK/282, the current application is submitted by the same applicant for the same use at the same site with the same layout.

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

- (a) Application Form with attachments received on 28.2.2024 **(Appendix I)**
- (b) Supplementary Information (SI) received on 1.3.2024 **(Appendix Ia)**

## **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) Three previous applications for the same applied use have been approved by the Board at the Site since 2015. All time-limited approval conditions of the previous application have been fulfilled.
- (b) The applied use is not incompatible with the surrounding environment. Similar planning applications for warehouse and open storage and port back-up uses have been approved by the Board in the adjoining areas.
- (c) The applied use is temporary in nature and would not jeopardise the long-term planning intention of the concerned zone.
- (d) The impacts in terms of environment, traffic and drainage are expected to be insignificant.

## **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 posting site notice 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 TPB PG-No. 31B are not applicable to the GL portion.

## **4. Background**

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

## **5. Previous Application**

5.1 The Site is involved in four previous applications. Amongst them, three applications (No. A/YL-HT/976 and A/HSK/49 and 282) for temporary warehouse for storage of food provision were approved by the Committee between 2015 and 2021 mainly on similar considerations that the applied use was not incompatible with the surrounding areas, and there were no major adverse comments from government departments. However, one of the planning permissions was

subsequently revoked due to non-compliance with time-limited approval condition. Details of these applications are summarised at **Appendix II** and their boundaries are shown on **Plan A-1**.

- 5.2 Application No. A/YL-HT/156 for temporary open storage use was rejected by the Committee in 2000. The considerations for this application are not relevant to the current application which is for a different use.
- 5.3 The last previous application No. A/HSK/282 for the same use as the current application was approved by the Committee on 22.1.2021 for a period of three years. All time-limited approval conditions have been complied with and the planning permission lapsed on 3.3.2024.

## **6. Similar Applications**

There are seven similar applications for temporary warehouse use within/straddling the subject “O” zone in the past five years. All of them were approved with conditions by the Committee between 2020 and 2024 on similar considerations as mentioned in paragraph 5 above. Five of the planning approvals were subsequently revoked due to non-compliance with time-limited approval conditions. 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-4b)**

7.1 The Site is:

- (a) accessible from San Sik Road via a local track; and
- (b) currently used for the applied use without valid planning permission.

7.2 The surrounding areas are predominantly occupied by open storage yards, warehouses, storage facilities, vehicle repair workshops intermixed with residential dwellings and unused land. Some of these uses are covered by valid planning permissions, whilst some are suspected unauthorized developments subject to planning enforcement action.

## **8. Planning Intention**

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 adverse comment on the application.

**Land Administration**

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

- (a) he has reservation on the application since there is unauthorized structure(s) on private Lots 673 and 676 in D.D. 125 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should apply for regularization on the lease breaches as demanded by LandsD;
- (b) there is no lease modification/land exchange application or building plan submission in relation to development at the Site approved/under processing; and
- (c) his advisory comments are at **Appendix IV**.

**10. Public Comment Received During Statutory Publication Period**

On 8.3.2024, the application was published for public inspection. During the statutory public inspection period, no public comment was received.

**11. Planning Considerations and Assessments**

- 11.1 The application is for temporary warehouse for storage of food provision for a period of three years at the Site zoned “O” on the OZP. Whilst the applied use is not in line with the planning intention of the “O” zone, the Project Manager (West), Civil Engineering and Development Department and the Director of Leisure and Cultural Services have no adverse comment on the application. Approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site. Notwithstanding this, should the application be approved, it is suggested to include an advisory clause stating that the Site may be resumed by the Government at any time during the planning approval period for the implementation of government projects.
- 11.2 The applied use is considered not incompatible with the surrounding land uses which are predominantly open storage yards, warehouses, storage facilities, vehicle repair workshops intermixed with residential dwellings and unused land (**Plan A-2**).
- 11.3 There is no adverse comment from the concerned government departments including the Director of Environmental Protection, Commissioner for Transport, Director of Fire Services and Chief Engineer/Mainland North of Drainage Services Department on the application regarding environmental, traffic, fire safety and drainage aspects respectively. To address the technical requirements of the concerned departments, relevant approval conditions have been recommended in paragraph 12.2 below. Regarding DLO/YL, LandsD’s comments on unauthorized structure(s) on Lots 673 and 676 in D.D. 125, should the application be approved, the applicant will be advised to regularize the lease breaches at the Site with LandsD.

- 11.4 Given three previous approvals for the applied use had been granted for the Site between 2015 and 2021 and seven similar applications had been approved by the Committee in the past five years, approval of the current application is generally in line with the previous decisions of the Committee.

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

- 12.1 Based on the assessments made in paragraph 11 above, the Planning Department considers that the temporary warehouse for storage of food provision could be tolerated for a period of three years.
- 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 **19.4.2027**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### **Approval conditions**

- (a) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (b) 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 **19.7.2024**;
- (c) 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 **19.10.2024**;
- (d) in relation to (c) 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 **19.1.2025**;
- (e) if the above planning condition (a) 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
- (f) if any of the above planning condition (b), (c) or (d) 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 intention of the "O" zone which 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. There is no strong planning justification in the submission for a departure from the planning intention, 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**

<b>Appendix I</b>	Application Form received on 28.2.2024
<b>Appendix Ia</b>	SI received on 1.3.2024
<b>Appendix II</b>	Previous and Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Location Plan with Vehicular Access
<b>Drawing A-2</b>	Proposed Layout Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to 4b</b>	Site Photos

**PLANNING DEPARTMENT  
APRIL 2024**