

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/HSK/537

- Applicant** : Easy Growth Development (HK) Co., Limited represented by R-riches Property Consultants Limited
- Site** : Lots 25 (Part), 26 (Part), 27 (Part), 28 (Part), 29, 30, 31, 32 (Part), 33 (Part), 34 (Part), 36 (Part), 70 (Part), 76 (Part), 77 (Part), 78 S.A (Part), 80 (Part) and 82 (Part) in D.D. 124 and Adjoining Government Land (GL), Ha Tsuen, Yuen Long, New Territories
- Site Area** : 9,293m² (about) (including GL of 123m² or 1.3%)
- 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 94%); and
[*Restricted to a maximum building height of 3 storeys (8.23m)*]

“Open Space” (“O”) (about 6%)
- Application** : Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities 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 facilities for a period of three years at the application site (the Site) mainly zoned “V” (about 96%) with a minor portion zoned “O” zone (about 6%) 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 occupied by 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 at the northeast of the Site (**Drawing A-1 and Plan A-2**). According to the applicant, a two-storey temporary structure (about 11m high) with a floor area of about 9,570m² for warehouse use is provided at the major portion of the Site. Four other one to two-storey temporary structures (5m to 8m high) with a total floor area of 586m² are provided at the northern portion of the Site for site office, caretaker’s office and washroom, pump room and rain shelter uses. Five parking spaces for private cars, two loading/unloading (L/UL) spaces for medium goods vehicles

(MGVs) and one L/UL for container vehicle are provided. No workshop activities and storage of dangerous goods will be carried out at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, and there will be no operation on Sundays and public holidays. The location plan with vehicular access, layout plan, drainage plan and fire service installations (FSIs) plan submitted by the applicant are shown on **Drawings A-1 to A-4** respectively.

- 1.3 The Site is subject to a previous application (No. A/HSK/424) for the same applied use which was approved by the Rural and New Town Planning Committee (the Committee) of the Board in 2023 (**Plan A-1**) (details at paragraph 5 below). Compared with the previous application, the current application is submitted by the same applicant for the same applied use at the same site, with the same development parameters and layout.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 15.10.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 18.10.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 8.11.2024* (**Appendix Ib**)
 - (d) FI received on 18.11.2024* (**Appendix Ic**)

**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 with attachments and FI at **Appendices I and Ic**. They can be summarised as follows:

- (a) the Site has been occupied for brownfield uses since the late 1980s. The applied use is temporary in nature and would not jeopardise the long-term planning intentions of the “V” and “O” zones;
- (b) the Site is subject to a previous planning approval (application No. A/HSK/424) for the same applied use;
- (c) the applied use is compatible with the surrounding areas which are mainly occupied by open storage, vehicle repair workshop, warehouse and logistic centre;
- (d) the applied use will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures will be provided once the planning approval is granted by the Board; and
- (e) no structures or facilities will be erected/ no works or activities will be carried out on the minor portion of the Site that falls within the scope of works of the Second Phase Development of the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) (**Plan A-2**). Access, occupancy and usage of the concerned land within the Site will be allowed for Government works if necessary.

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 notification letter to the Ha Tsuen Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. The “Owner’s Consent/Notification” Requirements under TPG PG-No.31B are not applicable to the GL portion.

4. Background

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

5. Previous Application

The Site was the subject of previous application (No. A/HSK/424) for the same applied use which was approved by the Committee on 13.1.2023 on the considerations that temporary use would not frustrate the long term planning intention for the site; the applied use was not incompatible with the surrounding uses; and no adverse comments from concerned government departments. However, the planning permission was subsequently revoked on 13.10.2024 due to non-compliance with time-limited approval conditions regarding the implementation of drainage and FSIs proposals. Details of this application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

There are two similar applications (No. A/HSK/351 and 467) for temporary warehouse for storage of food provision and electronic goods and/or shop and services uses straddling the same “V” and “O” zones on the OZP in the past five years. They were approved with conditions by the Committee in 2022 and 2023 respectively 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 without valid planning permission.

7.2 The surrounding area is predominantly occupied by brownfield uses, including warehouses, vehicle repair workshops, open storage/storage yards and factory. While some of these uses are suspected unauthorized developments subject to planning enforcement action, according to Planning Department’s record, the Site and its surrounding areas had mainly been occupied by brownfield uses before the publication in the Gazette of the notice of the first statutory plan on 17.8.1990. The village settlement of San Sang Tsuen is located to the further south.

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.
- 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 departments 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 departments have adverse comments on/do not support 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 the private Lots 25, 27, 28, 29, 30, 31, 33, 34, 70, 77, 78 S.A, 80 and 82 in D.D. 124 which is already subject to lease enforcement actions according to case priority. The lot owner should apply for regularization on the lease breaches as demanded by LandsD;
- (b) there is no Small House application approved or under processing at the Site; and
- (c) the applicant should note his advisory comments at **Appendix IV**.

Environment

9.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application because there are sensitive uses in the vicinity of the site (the nearest residential dwelling being about 55m away) (Plan A-2) and the applied use involves the use of heavy vehicles. Environmental nuisance is expected; and
- (b) no environmental complaint pertaining to the Site was received in the past three years.

10. Public Comment Received During Statutory Publication Period

On 22.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual objecting to the application on the ground that the previous approval conditions have not been fulfilled which could potentially lead to fire safety problems (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (excluding dangerous goods) with ancillary facilities for a period of three years at the Site mainly zoned “V” and partly zoned “O” on the OZP (**Plan A-1**). Whilst the applied use is not in line with the planning intention of the “V” and “O” zones, DLO/YL, LandsD advises that there is no Small House application approved or under processing at the Site, whereas the Director of Leisure and Cultural Services has no objection to the application and advises that there is no plan to develop the Site into public open space in the upcoming three years. The Project Manager (West) of the Civil Engineering and Development Department also has no adverse comment on the application, provided that the applied use would not affect the proposed works under the HSK/HT NDA. In this regard, approval of the application on a temporary basis of three years would not jeopardise the long-term development of the Site.
- 11.2 The applied use is not incompatible with the surrounding land uses which are predominantly occupied by brownfield uses, including warehouses, vehicle repair workshops, open storage/storage yards and factory (**Plan A-2**). The village settlement of San Sang Tsuen is located to the further south (**Plan A-3**).
- 11.3 While the planning permission granted under the last application No. A/HSK/424 in 2023 was revoked due to non-compliance with the time limited approval conditions regarding the implementation of drainage and FSIs proposals, relevant proposals have been submitted in the current application. The Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services have no objection to the application and consider the submitted proposals acceptable. 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 application.
- 11.4 The Commissioner for Transport has no adverse comment on the application. While DEP does not support the application as there are sensitive uses in the vicinity (the nearest residential dwelling being about 55m away) (**Plan A-2**) and the applied use involves the use of heavy vehicles, no substantiated environmental complaint pertaining to the Site was received in the past three years. Should the application be approved, the applicant will be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental nuisance on the nearby sensitive receivers. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.5 Regarding DLO/YL, LandsD’s comments on the unauthorized structure(s) erected on the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.6 A previous approval had been granted in 2023 for the same applied use at the Site, and there are two similar approvals for temporary warehouse use within the subject “V” and “O” zones on the OZP in the past five years. Approval of the current application is generally in line with the previous decisions of the Committee.
- 11.7 Regarding the public comment objecting to the application as summarised in paragraph 10 above, the planning considerations and assessments in paragraphs 11.1 to 11.6 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 above, the Planning Department considers that the temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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 3 years until **6.12.2027**. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

Approval conditions

- (a) the implementation of the accepted 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 **6.6.2025**;
- (b) in relation to (a) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 **6.6.2025**;
- (d) if the above planning condition (b) 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
- (e) if any of the above planning condition (a) or (c) 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 15.10.2024
Appendix Ia	SI received on 18.10.2024
Appendix Ib	FI received on 8.11.2024
Appendix Ic	FI received on 18.11.2024
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	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
DECEMBER 2024**