

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/634

- Applicant** : Global Power International Holdings Limited represented by R-riches Property Consultants Limited
- Site** : Lot 1224 (Part) in D.D. 79, Ng Chow Road, Ping Che, New Territories
- Site Area** : About 5,595 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zoning** : “Open Storage” (“OS”)
- Application** : Proposed Temporary Wholesale Trade with Ancillary Storage for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary wholesale trade with ancillary storage for a period of five years at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “OS” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, ‘Wholesale Trade’ is a Column 2 use in “OS” zone requiring planning permission from the Town Planning Board (the Board).
- 1.2 The Site is accessible from Ng Chow Road (**Plan A-2**). According to the information submitted by the applicant, the proposed temporary development comprises three temporary structures (**Drawing A-2**). Details of the development parameters are as follows:

Proposed Structure	Proposed Gross Floor Area	Proposed Building Height	Proposed Temporary Use
B1	3,862 m ²	11m (2-storey)	Wholesale Trade with Ancillary Storage of Goods
B2	2,975 m ²	11m (2-storey)	Wholesale Trade with Ancillary Storage of Goods
B3	9 m ²	3m (1-storey)	Meter Room
Total	6,846 m ²	-	-

- 1.3 The Site is mainly used for wholesale trade of packaged food including packaged snacks and packaged dried seafood etc. with ancillary storage. Packaged food would be temporarily stored within Site for distribution to the retailers. 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. Four private car parking spaces and three loading/unloading spaces for medium goods vehicles are provided within the Site. The Site is currently used as open storage of cables. The location plan, site layout plan and section plan submitted by the applicant are at **Drawings A-1 to A-3** respectively.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application form with attachments received on 3.1.2020 (Appendix I)
 - (b) Supplementary Information received on 8.1.2020 (Appendix Ia)
 - (c) Letter dated 19.5.2020 requesting for 1st deferment of consideration of the application (Appendix Ib)
 - (d) Further Information received on 16.6.2020 (accepted but exempted from publication) (Appendix Ic)
 - (e) Letter dated 31.8.2020 requesting for 2nd deferment of consideration of the application (Appendix Id)
 - (f) Further Information received on 20.10.2020 (accepted but exempted from publication) (Appendix Ie)
- 1.5 At the request of the applicant (**Appendices Ib and Id**), the Committee agreed on 26.5.2020 and 15.9.2020 respectively to defer making a decision on the application for two months each pending the preparation of further information to address the departmental comments. The applicant submitted further information (**Appendices Ic and Ie**) on 16.6.2020 and 20.10.2020 respectively and the application is re-scheduled for consideration by the Committee on 18.12.2020.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the application form and further information at **Appendices I, Ic and Ie** respectively. They can be summarized as follows:

- (a) the proposed development will not create significant adverse traffic, environmental, landscape and drainage impacts to the surrounding areas. Adequate mitigation measures are also provided, i.e. submission of drainage, fire service installations etc. to mitigate any adverse impact arising from the proposed development;
- (b) staff would be deployed at the ingress/egress of the Site to monitor the traffic condition of the Site and to direct vehicles entering and exiting the Site. Visitor is also required to make appointment in advance to access the Site, so that the estimated vehicular trips can be strictly followed to ensure no queuing of vehicles would occur outside the Site;
- (c) excavation work will not be carried out for erection of the proposed structures at the Site;
- (d) as the proposed development is only on a temporary basis, it will not frustrate the long-term planning intention of the "OS" zone; and

- (e) the proposed development is considered not incompatible with the surrounding land uses. Therefore, approval of the current application would not set an undesirable precedent within the same “OS” zone.

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.31A) by posting site notice and sending notice to the Ta Kwu Ling Rural Committee by registered post. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Application

There is no previous application at the Site.

5. Similar Application

There is no similar application within the same “OS” zone on the OZP.

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

6.1 The Site is:

- (a) hard-paved, fenced off and currently used for open storage of cables (**Plans A-4a and A-4b**);
- (b) occupied with some temporary open-sided structures and container-converted structures; and
- (c) accessible from Ng Chow Road at its southeast (**Plans A-1 and A-2**).

6.2 The surrounding areas have the following characteristics:

- (a) to its immediate north and northwest is unused land within “Green Belt” zone;
- (b) to its further north and northeast are open storage of construction and recycling materials, workshops, logistic company, pigsty and some domestic structures (**Plan A-2**);
- (c) to the immediate south is Ng Chow Road and a watercourse and across which are a warehouse and parking of vehicles (**Plan A-2**); and
- (d) to the immediate west are active agricultural land intermixed with some domestic structures.

7. Planning Intention

The planning intention of the "OS" zone is primarily for the provision of land for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises.

8. Comments from Relevant Government Departments

8.1 The following Government departments have been consulted and their views on the application are summarised as follows:

Land Administration

8.1.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the lot under application is Old Schedule lot held under the Block Government Lease (demised for agricultural use) without any guaranteed right of vehicular access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government Land (**Plan A-2**) will be allowed for vehicular access of the proposed use;
- (b) the existing structures on the Site were erected without approval from her office. The aforesaid structures are not acceptable under the Leases concerned. Her office reserves the right to take enforcement actions against the aforesaid structures;
- (c) the application lot encroaches on the boundary of archaeological interest (**Plan A-1**); and
- (d) should the application be approved, the owner of the lot concerned shall apply to her office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that it will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fees as considered appropriate by her office.

Traffic

8.1.2 Comments of the Commissioner for Transport (C for T):

- (a) based on the further information submitted by the applicant (**Appendix Ic**) and in view of the proposed development will generate minimal vehicular trips at peak hours, he considered that the traffic impact induced by the proposed development is tolerable from the traffic engineering point of view;
- (b) he has no further comment on the application on the proposed measure for pedestrian safety i.e. staff deployed at the ingress/egress of the Site to

monitor the traffic condition of the Site and to direct vehicles entering and exiting the Site as proposed by the applicant to ensure that it will not cause adverse traffic impact to the surrounding area;

- (c) should the application be approved, the applicant is required to implement the traffic management measure; and
- (d) the vehicular access between the Site and Ng Chow Road (**Plan A-2**) is not managed by Transport Department (TD). The applicant should seek comment from the responsible party.

8.1.3 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he has no comment on the application; and
- (b) the applicant is advised to note that the section of Ng Chow Road adjacent to the Site is not maintained by his department.

Environment

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

- (a) it is noted that the Site falls within the area zoned "OS" on the OZP. While the applicant's submission stating that traffic of heavy vehicle would be generated and there are sensitive receivers, i.e. residential structures (the nearest one about 5m away) in the vicinity of the Site, he does not support the application; and
- (b) should the application be approved, the applicant is advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) and ProPECC PN 1/94 Construction Site Drainage and should also comply with all environmental protection/pollution control ordinances, including Water Pollution Control Ordinance, since there is a watercourse about 25m away from the Site (**Plan A-2**).

Drainage

8.1.5 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he has no objection to the application;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area. In their submission, the applicant is required to assess and identify the project's potential drainage impacts and demonstrate in their submission with the implementation of necessary mitigation measures, the project will not cause an unacceptable increase in the risk of flooding in areas upstream of, adjacent to or downstream of the development; and
- (c) the Site is in an area where no public sewerage connection is available.

Building Matters

- 8.1.6 Comments of the Chief Building Surveyor/New Territories West, Building Department (CBS/NTW, BD):
- (a) there is no record of approval by the Building Authority for the existing buildings/structures at the Site and BD is not in a position to offer comments on their suitability for the use related to the application; and
 - (b) there is also no record of submission of the proposed building/ structure to BD for approval. His advisory comments are at **Appendix III**;

Fire Safety

- 8.1.7 Comments of the Director of Fire Services (D of FS):
- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) being provided to the satisfaction of his department;
 - (b) in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to FSD for approval. In addition, the applicant should also be advised on the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
 - (c) the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.

Landscape

- 8.1.8 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):
- (a) she has no comment on the application from landscape point of view as the Site falls within a non-landscape sensitive zone; and
 - (b) it is noted that there is no major public frontage along the site boundary. Should the application be approved, it is considered not necessary to impose a landscape condition.

Nature Conservation

- 8.1.9 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- he has no comment on the subjection application from nature conservation point of view as the Site is largely formed. Nevertheless, a piece of woodland which is

zoned as “GB” zone was located to the north of the Site. The applicant should be reminded to avoid causing any damage or disturbance to the existing trees and the natural environment nearby.

Archaeology

8.1.10 Comments of the Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO):

- (a) the Site falls within the Ping Che Site of Archaeological Interest (**Plan A-1**);
- (b) the applicant has indicated in the further information (**Appendix Ie**) that the proposed development does not involve any excavation of land, he has no further comment on the proposed development from archaeological point of view; and
- (c) should the application be approved, an approval condition should be included that no excavation is allowed without the permission of the Antiquities and Monuments Office.

District Officer’s Comments

8.1.11 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

he has consulted the locals regarding the application. The First Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative (IIR) of Wo Keng Shan, three out of four IIRs of Ping Yeung and the Resident Representative (RR) of Ping Yeung object to the application mainly on the grounds of adverse traffic impact. The incumbent North District Council member of subject constituency, the IIR and RR of Ping Che, the RR of Wo Keng Shan and the remaining IIR of Ping Yeung have no comment.

8.2 The following Government departments have no comment on / no objection to the application:

- (a) Project Manager (North), North Development Office, Civil Engineering and Development Department (PM(N), CEDD);
- (b) Director of Electrical and Mechanical Services (DEMS); and
- (c) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

9. Public Comments Received During Statutory Publication Period (Appendix II)

On 10.1.2020, the application was published for public inspection. During the first three weeks of the statutory public inspection period, one public comment was received from the Chairman of Sheung Shui District Rural Committee indicating no comment on the application.

10. Planning Considerations and Assessments

10.1 The application is for a proposed temporary wholesale trade with ancillary storage for a

period of five years at the Site zoned “OS” on the OZP. The proposed development is not in line with the planning intention of the “OS” zone, which is primarily for appropriate open storage uses and to regularize the already haphazard proliferation of open storage uses. The area zoned “OS” provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises. Nevertheless, the proposed development is only for a temporary basis, approval of the application would not jeopardize the long-term planning intention of the “OS” zone.

- 10.2 The proposed temporary development is not incompatible with the surrounding area intermixed with open storage yards, workshops, warehouse domestic structures and vacant land. CTP/UD&L, PlanD has no comment on the application as the Site falls within a non-landscape sensitive zone.
- 10.3 C for T considered that the traffic impact induced by the proposed development is tolerable from the traffic engineering point of view and he has no further comment on the application on the proposed measure for pedestrian safety. DEP does not support the application as there are sensitive receivers of residential use in the vicinity and environmental nuisance is expected. To address the concerns on the possible environmental nuisances generated by the proposed temporary use, approval conditions restricting the operation hours and type of vehicles, and maintaining the existing fencing are recommended. The applicant will also be advised to follow the COP and all relevant environmental protection/ pollution control ordinances in order to alleviate any potential impact. Other relevant departments consulted including DLO/N of LandsD, CHE/NTE of HyD, D of FS and CE/MN of DSD have no adverse comment on / no objection to the application.
- 10.4 Regarding the local objection conveyed by DO(N), HAD as detailed in paragraph 8.1.11 above, the Government department’s comments and the planning assessment above are relevant.

11. Planning Department’s Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the local objection conveyed by DO(N), HAD mentioned in paragraph 8.1.11, the Planning Department has no objection to the application.
- 11.2 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 5 years until 18.12.2025. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed for the operation of the Site at any time during the planning approval period;

- (d) no vehicle is allowed to queue back to or reverse onto/from public road, as proposed by the applicant, at any time during the planning approval period;
- (e) no excavation is allowed without the permission of the Executive Secretary (Antiquities & Monuments) of the Antiquities and Monuments Office of the Development Bureau, at any time during the planning approval period;
- (f) the maintenance of the existing boundary fencing on the Site at all times during the planning approval period;
- (g) the submission of 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 18.6.2021;
- (h) in relation to (g) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 18.9.2021;
- (i) the submission of proposals for fire service installations and water supplies for firefighting 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 18.6.2021;
- (j) in relation to (i) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 18.9.2021;
- (k) the implementation of traffic management proposals, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 18.9.2021;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) 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 at **Appendix III**.

11.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the proposed development is not in line with the planning intention of the "OS" zone which is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses that cannot be accommodated in conventional godown premises. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis.

12. Decision Sought

- 12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 12.2 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.
- 12.3 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.

13. Attachments

Appendix I	Application Form with Attachment received on 3.1.2020
Appendix Ia	Supplementary Information received on 8.1.2020
Appendix Ib	Letter dated 19.5.2020 requesting for 1 st deferment of consideration of the application
Appendix Ic	Further Information received on 16.6.2020
Appendix Id	Letter dated 31.8.2020 requesting for 2 nd deferment of consideration of the application
Appendix Ie	Further Information received on 20.10.2020
Appendix II	Public Comments
Appendix III	Recommended Advisory Clauses
Drawing A-1	Location Plan
Drawing A-2	Site Layout Plan
Drawing A-3	Section Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2020**