

Planning Statement

For

Section 16 Application

For

Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop

For a Period of 3 Years

and Associated Filling of Land and Pond

at the Remaining Portion (RP) of 342 (Part) and RP of 343

in Demarcation District (D.D.) 87,

North New Territories, Hong Kong

Proposed by: Prudential Surveyors International Limited

Revision: -

Date: December 2023

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Executive Summary

The Planning Statement (the PS) is to seek planning permission from the Town Planning Board (the TPB) under Section 16 (the Application) of the Town Planning Ordinance (CAP. 131) for the Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (Part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong (the Site).

The Site, with an area of about 3,060 sq.m, falls within an area zoned “Agriculture” (“AGR”) under the Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/17.

The Proposed Development parameters are as such:

Major Development Parameters	Proposed Development
No. of Temporary Structures	<p>1 nos. structure for Freight Working Area (H: not exceeding 7m, L: not exceeding 20m, W: not exceeding 13m)</p> <p>1 nos. of Site Office (H: not exceeding 3m, L: not exceeding 7m, W: not exceeding 3m)</p> <p>1 nos. of Vehicle Repair Workshop (H: not exceeding 7m, L: not exceeding 25m, W: not exceeding 20m)</p>
Parking Provision	<p>1 nos. Accessible Parking/Private Parking (L: 5m, W: 3.5m)</p> <p>1 nos. Heavy Goods Vehicle Parking also able to be used for loading/unloading (L: 11m, W: 3.5m)</p>

As the Proposed Use is a temporary use not exceeding a period of three years, a planning permission from the TPB is required. Besides, filling of land and/or pond in the “AGR” zone also requires planning permission from the TPB.

In Summary, the Application is justified on the following grounds that the Propose Use:

- is in line with Policy Address 2023;
- follows the Development Bureau’s directive to apply for Planning Permission;
- complies with Town Planning Board Guideline No. 13G;
- facilitates the development of the Kwu Tong North/Fanling North New Development Area;
- would not frustrate the long-term planning intention;
- is compatible to the surrounding;
- allows efficient use of vacant land;
- would not result in adverse impacts to the surroundings; and
- would not set an undesirable precedent case.

With the justifications presented in the PS, we sincerely request the TPB to give favourable consideration to this planning application.

行政摘要

(內文如有差異，應以英文版本為準)

本規劃綱領尋求城市規劃委員會（城規會）的規劃許可，於新界丈量約份第 87 號約地段第 342 號餘段及第 343 號餘段內，擬議興建為期三年的「物流貨倉及汽車修理工場和相關填土及填塘工程」（擬議用途）。現誠根據城市規劃條例第 16 條提交規劃申請。

申請地點（該地點）的面積約 3,060 平方米，位處虎地坳及沙嶺分區計劃大綱草圖編號 S/NE-FTA/17（大綱圖）範圍，現被劃作「農業」用途地帶。

擬議用途將包括貨櫃裝卸區、地盤辦公室/警衛室、裝卸貨區、及修車房給公司車輛使用。擬議用途發展參數如下：

發展參數	擬議發展
臨時結構數量	<p>1 個貨櫃裝卸區 (高：不超過 7 米，長：不超過 20 米，寬：不超過 13 米)</p> <p>1 個地盤辦公室 (高：不超過 3 米，長：不超過 7 米，寬：不超過 3 米)</p> <p>1 個修車房 (高：不超過 7 米，長：不超過 25 米，寬：不超過 20 米)</p>
停車位數量	<p>1 個私家車車位 (長：不超過 5 米，寬：不超過 3.5 米)</p> <p>1 個重型貨車泊車位 (長：不超過 11 米，寬：不超過 3.5 米)</p>

由於擬議用途為不超過三年期限的臨時用途及發展地段將需相關填土工程，擬議用途須取得城規會的規劃許可。

總括而言，本規劃申請有充分的理據支持，是次規劃申請：

- 符合 2023 年施政報告；
- 遵照發展局指示向城規會申請規劃許可；
- 符合規劃指引編號 13G；
- 配合古洞北/粉嶺北新發展區發展；
- 不會對長遠規劃意向造成影響；
- 與周邊發展相容；
- 容許有效用地；
- 不會對周邊造成重大影響；及
- 不會造成不良先例。

基於本規劃綱領所提出的理據支持，我們懇請城市規劃委員會對這一規劃申請作出正面積極的考慮。

1. Introduction / Background

1.1 Introduction

- 1.1.1 Prudential Surveyors International Limited, on behalf of the Applicant, submitted this application to the Town Planning Board (TPB) under Section 16 of the Town Planning Ordinance (TPO). The application is for a proposed temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a period of 3 Years and Associated Filling of Land and Pond (the Proposed Use) at the Remaining Portion (RP) of 342 (Part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong (the Site). **[Figure 1.1]**
- 1.1.2 The Site is zoned “Agriculture” (“AGR”) under the Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/17 (the OZP). The Proposed Use is neither Column 1 nor Column 2 use in the “AGR” zone. According to the covering Notes of the OZP, temporary use or development not exceeding a period of 3 years requires planning permission from the Town Planning Board (the Board), notwithstanding that the use or development is not provided for in terms of the OZP. Besides, filling of land and/or ponds in the “AGR” zone also requires planning permission from the Board.
- 1.1.3 The purpose of this statement is to furnish members of the TPB with details of the development proposal, justifications in support of this S16 Application and other necessary information to facilitate consideration of the Proposed Development.

1.2 Background

- 1.2.1 The Applicant operates a company that conducts cross-border transshipment of goods for over 30 years in support of Hong Kong’s cross-border trade. Its current operation is from 8:00am to 10:00pm Monday to Sunday supporting the cross-border freight industry. In particular, it supports the container vehicles using the Man Kam To Boundary Control Point that operate from 7:00am to 10:00pm.
- 1.2.2 The Applicant is subject to a relocation notice from the Lands Department on the existing operation located at No. 5A Jockey Club Road, Sheung Shui, New Territories to facilitate the development of the Kwu Tong North/Fanling North New Development Area by the Development Bureau (the DevB). The Applicant currently operates on a piece of land that is approximately 28,000 sq.m (about 300,000 sq. ft).
- 1.2.3 Upon notification for the resumption of the existing site, an extensive land search was conducted by the Applicant. Other nearby sites were also considered for the relocation of the existing operation. After careful consideration, the current Site marginally fits the site selection criteria (including but not limited to, site location (i.e. close proximity to border, and to suppliers.), size/area, statutory planning context). In order to continue with the current operation and protect the continual livelihood of its staff, the Applicant has no choice but to select the Site as the first phase of its relocation exercise. The Site is about 3,060 sq.m which represents only 10% of the area of the existing operations. Given the above, the Applicant intends to continue sought for additional sites to accommodate the shortfall in space for their existing operations.

- 1.2.4 On 07.07.2023, the Applicant had issued an inquiry to the DevB regarding the Site's suitability to accommodate the original brownfield operation, which is required to relocated to facilitate the implementation of the Kwu Tong North/Fanling North New Development Areas. The Applicant was encouraged by the DevB to submit an application to the Town Planning Board in this particular case. **[Figure 1.2]**

2. Site Context

2.1 The Site and its Surroundings

- 2.1.1 The Site, with an area of about 3,060 sq.m, is located to the North of Kong Nga Po Road and to the Southeast of San Uk Ling Holding Centre, North New Territories, Hong Kong. The Site has remained fallowed from agriculture productivity and an abandoned fish pond for many years. There are no intentions by the landowners to use the land for cultivation use at this time.
- 2.1.2 The Site is currently composed of weeds, wild grass, an abandoned fish pond and construction debris. The land is currently not arable and can not be temporary be rehabilitated for cultivation without extensive earth works.
- 2.1.3 The Site is surrounded by existing natural features such as woodlands, as well as, existing man-made features such as warehouses, temporary structures, pigsties/farms, and roads. The details of the current context and the planned context of the surrounding are as follows: **[Figure 2.1]**:

Current Context

- to the north of the Site are some warehouses;
- to the further north are natural features composing of mainly woodlands;
- to the east of the Site is a road (unnamed) and some temporary structures and warehouses;
- to the south of the Site is a pigsty/farm and Kong Nga Po Road,
- to the further south are some pigsties and woodlands; and
- to the west of the Site are some woodlands.

Planned Context

- to the west of the Site is the Planned Police Facilities.

- 2.1.4 The Site is accessible via Kong Nga Po Road.

2.2 Site Survey

- 2.2.1 A site visit was conducted on 31.10.2023. Photos of the current site can be found in **Figure 2.2**. No Old and Valuable Tree (OVT), protected species or trees were identified within the Site, therefore, no tree survey was conducted.
- 2.2.2 A topographical survey was completed on 14.11.2023. **[Figure 2.3]**

2.3 Enforcement in place

- 2.3.1 The Site is currently subject to one planning enforcement action (No. E/NE-FTA/199) against unauthorized development (UD) involving filling of pond and filling of land in Lot Nos. 339(part), 340RP(part), 342RP(part) and 343RP(part) in D.D.87, and adjoining Government Land, Fu Tei Au, New Territories. The Enforcement Notice (No. E/NE-FTA/199) was issued on 30.10.2023 requiring discontinuation of the UD by 13.11.2023. Since 30.10.2023, the Applicant has taken steps to prevent further aggregation of the situation by reenforcing the parameter and closely patrolling the Site.

3. Planning Context

3.1 Statutory Planning Context

Town Planning Ordinance (TPO) (CAP. 131)

- 3.1.1 The Site falls within an area zoned “Agriculture” (“AGR”) zone under the Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/17 (the OZP). [Figure 3.1]
- 3.1.2 Following 10(b) of the Notes of the above-mentioned OZP, *“temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission”*. [Figure 3.2]
- 3.1.3 Per the Schedule of Uses of the OZP, the Planning Intention of the “AGR” zone is *“intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.”* [Figure 3.3]
- 3.1.4 Per the Schedule of Uses of the OZP, the Remarks (a) of the “AGR” zone states *“Any filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance”*. [Figure 3.3]
- 3.1.5 Per the Schedule of Uses of the OZP, the Remarks (b) of the “AGR” zone states *“Any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/8 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This restriction does not apply to filling of land*

specifically required under prior written instructions of Government department(s) or for the purposes specified below: (i) laying of soil not exceeding 1.2m in thickness for cultivation; or (ii) construction of any agricultural structure with prior written approval issued by the Lands Department". [Figure 3.3]

3.2 Non-Statutory Planning Context

Explanatory Statement of the Draft OZP

- 3.2.1 With reference to Para 9.6.1 of the Explanatory Statement (ES) of the OZP, the "AGR" zone *"is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The zoned areas are usually well served by irrigation and servicing facilities as well as marketing facilities for intensive farming including livestock rearing, fish culture and horticulture. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes."* [Figure 3.4]

Town Planning Board Guidelines No. 13G

- 3.2.2 With reference to the Town Planning Board Guideline No. 13G (TPB PG-No. 13G), the Site falls within Category 2 areas under the guidelines. [Figure 3.5] The following criteria are relevant.

"Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of 3 years."

Previous Planning Applications

- 3.2.3 There are no previous Planning Applications pertaining to the Site.

Previous Planning Applications relevant to the Proposed Development

- 3.2.4 A desktop review was conducted on 13.11.2023 on the Town Planning Board Statutory Planning Portal 3 to identify previous similar planning cases of similar uses from January 2006 to November 2023. A total of five planning applications were found that were approved with conditions on temporary basis.

No.	Application No.	Applied Use	Location	Zone	Decision Date	Decision
1	A/NE-FTA/199	Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years	Lots 40 RP (Part), 404 S.A (Part), 408 S.A RP (Part), 408 S.B RP (Part), 409, 410 (Part), 413 (Part), 414 (Part), 416 (Part), 417 RP (Part),	AGR	05.02.2021	Approved with condition(s) on a temporary basis

No.	Application No.	Applied Use	Location	Zone	Decision Date	Decision
			435, 436, 437 RP in D.D. 89 and Adjoining Government Land			
2	A/NE-FTA/181	Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years	Lots 40 RP (Part), 404 S.A (Part), 408 S.A RP (Part), 408 S.B RP (Part), 409, 410 (Part), 413 (Part), 414 (Part), 416 (Part), 417 RP (Part), 435, 436, 437 RP in D.D. 89 and Adjoining Government Land	AGR	15.06.2018	Approved with condition(s) on a temporary basis
3	A/NE-FTA/149	Temporary Cargo Handling and Forwarding Facility (Logistics Centre) for a Period of 3 Years	Lots 40 RP (Part), 404 S.A (Part), 408 S.A RP (Part), 408 S.B RP (Part), 409, 410 (Part), 413 (Part), 414 (Part), 416 (Part), 417 RP (Part), 435, 436, 437 RP in D.D. 89 and adjoining Government Land	AGR	06.02.2015	Approved with condition(s) on a temporary basis
4	A/NE-FTA/110	Temporary Cargo Handling and	Lots 40 RP (Part), 404 S.A (Part),	AGR	04.11.2011	Approved with condition(s) on a

No.	Application No.	Applied Use	Location	Zone	Decision Date	Decision
		Forwarding Facility (Logistics Centre) (Logistics Centre) For a Period of 3 Years	408 S.A RP(Part), 408 S.B RP(Part), 409, 410(Part), 413(Part), 414(Part), 416(Part), 417 RP(Part), 435, 436, 437 RP in D.D.89 and Adjoining Government Land			temporary basis
5	A/NE-FTA/72	Temporary Container Vehicle Park and Container Vehicle Repair Workshop for a Period of 3 Years	Lots 404 S.A (Part), 409, 414(Part), 416(Part) and 436 in D.D. 89 and Adjoining Government Land	AGR	17.02.2006	Approved with condition(s) on a temporary basis

Table 3.1 – Previously Approved Similar S16 Planning Applications

4. Land Status

- 4.1.1 The Site consists of RP of 342 (Part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong. The Applicant is not a “current land owner” of the Site 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 completing the statement of consent signed by the current land owner which is attached in the application. [Figure 4.1]

5. Policy Context

Policy Address 2023

- 5.1.1 Two points relevant to the Proposed Development under the Policy area as follows: -

Supply of Logistics Land

- As part of the Policy Address 2023 Action Plans for the improvement of Hong Kong, one of the five strategies to promote high-quality and development of the logistics

industry is to stabilise supply of logistics land and develop logistics clusters with different functions by “providing a stable supply of affordable logistics land to meet the short and medium-term demand for logistics land, and to enhance land use efficiency and provide more space for development of logistics industry.”¹

Boundary Commerce and Industry Zone of the Northern Metropolis Action Agenda

- The Policy Address 2023² announced that the boundary commerce and industry area of the Northern Metropolis Action Agenda will “drive the development of industries such as advanced construction, green environment industries, health care, food technology, modern logistics, and promote cross-boundary business services”.

6. Proposed Development

6.1 Development Parameters

- 6.1.1 The Proposed Development is for a temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a period of 3 Years and Associated Filling of Land and Pond. The Proposed Development is shown in **Figure 6.1** and the major development parameters are summarized in Table 6.1.

Major Development Parameters	Proposed Development
Site area	About 3,060 sq.m <i>Covered Area: about 581 sq.m (approx. 19%)</i> <i>Uncovered Area: about 2,479 sq.m (approx. 81%)</i>
Site Coverage	About 19%
Applied Use	Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a period of 3 Years and Associated Filling of Land and Pond
Nos. of Temporary Structures	1 nos. structure for Freight Working Area (H: not exceeding 7m, L: not exceeding 20m, W: not exceeding 13m) 1 nos. of Site Office (H: not exceeding 3m, L: not exceeding 7m, W: not exceeding 3m) 1 nos. of Vehicle Repair Workshop (H: not exceeding 7m, L: not exceeding 25m, W: not exceeding 20m)
Fences	1.8m high fences will be established around the Site
Tree Planting	<i>Cinnamomum burmannii</i> and <i>Scheera heptaphylla</i> with 3m to 4m spacing
Parking Provision ³	1 nos. Accessible Parking/Private Parking (L: 5m, W: 3.5m) 1 nos. Heavy Goods Vehicle Parking also able to be used for loading/unloading (L: 11m, W: 3.5m)

¹ Action Plan on Modern Logistics Development, from

https://www.tlb.gov.hk/doc/Action%20Plan%20on%20Modern%20Logistics%20Development_e.pdf

² Para. 79 of the 2023 Policy Address, from https://www.policyaddress.gov.hk/2023/public/pdf/policy/policy-full_en.pdf

³ Referenced to Hong Kong Planning and Standards Guidelines Chapter 8.

Table 6.1 - Proposed Development Parameters

- 6.1.2 The freight working area would be a roofed area for reassembling freights, and the vehicle repair workshop would be used for minor vehicle repair works on company cars whenever required. By allowing onsite minor repairs, it could largely limit the possibility of delaying their daily operation caused by offsite repairs. Therefore, the proposed temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop is an integral component to the Applicant's company daily operations.

6.2 Proposed Operation

- 6.2.1 The Proposed temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop will be used by the Applicant's for its daily operations for cross border trading. In sum, freights and goods will be brought to the Site via container vehicles to be reassembled and redirected. In addition, awaiting containers will be stored, and minor vehicle maintenance will be conducted on site.
- 6.2.2 It is proposed the operation will house about ten full time equivalent staffs. The operation hours will be from 8:00 a.m. to 10:00 p.m. from Monday to Sunday.
- 6.2.3 The Site is accessible via Kong Nga Po Road. There will be no backing into the Site; or queuing along the access road will be anticipated.

6.3 Filling of Land and Pond at the Site

- 6.3.1 The Site is located with uneven ground level (sloping from about 25.71mPD to about 28.96mPD towards the northwest of the Site), and there is also an abandoned fish pond (water surface level: about 25.71mPD, bottom level: about 25.11mPD, area: approx. 790 sq.m) that is located in the centre of the Site. The current location of the abandoned fish pond significantly interferes the operations of the loading and unloading of heavy goods vehicles for the Proposed Development and is required to be filled for the Applicant's operation to be viable.
- 6.3.2 The Proposed Development is for a Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop, to fulfil its operational needs a relatively flat level surface is required to efficiently carry out its daily operation.
- 6.3.3 There were earlier designs considered for a smaller portion of the pond to be filled, however, these designs were unable to fulfil the internal logistics needs. Thus, to fulfil the operational needs of the Proposed Use, filling of land and pond and excavation of some portions is required for levelling the level differences is inevitable. The proposed ground level after filling of land is 28.3mPD.
- 6.3.4 In this connection, the proposed area for filling are shown in the Table 6.2:

	Land	Pond
Proposed Filled Area	3,060 sq.m	790 sq.m
Proposed Fill Depth	2.59m	0.6m
Fill Materials	Compact fill (or similar)	Compact fill (or similar)

Table 6.2 - Proposed Details of the Land and Pond Filling

6.4 Landscaping

- 6.4.1 Fences are proposed to be established around the Site, and the proposed fences will be painted green to better blend with the surrounding. *Cinnamomum burmannii* and *Scheera heptaphylla* will also be planted along the Site boundary within the Site to improve the greenery of the area.

7. Technical Assessments

7.1 Traffic Impact Assessment

- 7.1.1 A Traffic Impact Assessment (enclosed in **Appendix A**) has been carried out to evaluate the traffic impact of the Proposed Development on the surroundings. It concludes that the Proposed Development is acceptable from the traffic engineering perspective.

7.2 Environmental Appraisal

- 7.2.1 The impacts of air quality and noise of the Proposed Development have been evaluated in the Environmental Appraisal (enclosed in **Appendix B**). It concludes that with appropriate mitigation measures, no adverse significant environmental impact will be induced by/ nor on the Proposed Development.

7.3 Sewerage and Drainage Appraisal

- 7.3.1 The Sewerage and Drainage Appraisal (enclosed in **Appendix C**) has been carried to assess the sewerage and drainage impact that may arise from the Proposed Development. It concludes that the Proposed Development will not cause any adverse impact on the existing sewerage and drainage system.
- 7.3.2 As part of the Sewerage Appraisal, it is proposed that portable toilets will be provided on site to collect the sewerage generated on site. The sewerage will be periodically collected and arranged to be removed off the site to be treated by the Applicant.
- 7.3.3 As part of the Drainage Appraisal, the surface runoff discharged from the upstream catchment area and the Site would be collected by the proposed perimeter U-channel inside the Site and flow through a sand trap and petrol interceptor and discharged to the proposed stormwater manholes outside the Site.

8. Planning Justifications

8.1 In line with Policy Address 2023

- 8.1.1 One of the Action Plans in the Policy Address 2023 is for the provision of a stable supply of affordable logistics land to meet the short and medium-term demand for logistics land, and to enhance land use efficiency and provide more space for development of logistics industry. The approval of this application will contribute to the supply of logistics land to meet the demand for logistics land.

8.1.2 The Proposed Development is situated within the Boundary Commerce and Industry Zone of the Northern Metropolis Action Agenda. This area aims to drive the development of industries such as advanced construction, green environment industries, health care, food technology, modern logistics, and promote cross-boundary business services. Therefore, approval of the Proposed Use will allow the Applicant to continue with its operation to support of the Boundary Commerce and Industry Zone of the Northern Metropolis Action Agenda.

8.2 The Current Application follows the Development Bureau's directive to apply for Planning Permission

8.2.1 The Applicant had issued an inquiry to the DevB on 07.07.2023 in regards to the Site's suitability to accommodate the original brownfield operation that is required to be relocated to facilitate the implementation of the Kwu Tong North/Fanling North New Development Areas. The DevB had advised the Applicant to submit an application to the Town Planning Board. [Figure 1.2] This application is following the DevB's directive so the Applicant can continue with its company's operation without delaying the development of Kwu Tong North/Fanling North New Development Areas.

8.3 Compliance with Town Planning Board Guideline No. 13G

8.3.1 The Proposed Use is in-line with the TPB PG-NO. 13G for Open Storage and Port Back-up Uses. The Site falls within Category 2 area where planning permission for the Proposed Use would be granted on a temporary basis should there be no adverse department comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. In view of this, the Proposed Use on the Site complies with the said guideline for temporary use on designated Category 2 areas.

8.4 Facilitates the development of the Kwu Tong North/Fanling North New Development Areas

8.4.1 It is noted that the relocation of the existing operation is very crucial to the smoother clearance for the implementation of the Kwu Tong North/Fanling North New Development Areas. As such, to allow for the Proposed Development for the business operation could contribute to ensure a timely development of the project for the future population within the Kwu Tong North/Fanling North New Development Areas, as well as to facilitate the continued operation of displaced brownfield operations to meet the need of logistics economy in Hong Kong.

8.5 Would not frustrate the long-term planning intention

8.5.1 The Site has remained fallowed from agriculture productivity and an abandoned fish pond for many years. There are no intention by the landowners to use the land for cultivation use at this time. Even though the Proposed Use does not align with the long-term planning intention of the "AGR" zone of the OZP, the Proposed Use is temporary in nature and would not frustrate the long-term planning intention of the "AGR" zone.

8.6 Compatible to the Surrounding

- 8.6.1 Per Section 2.1.2 and Figure 2.1, the Site is mainly surrounded by woodlands, warehouses, temporary structures, pigsties/farms, and roads. There are no interface issues with the Proposed Use to the surrounding. The Proposed Use would be mainly self-contained behind a fenced area. There would be no air quality and noise impact or odour emitted from the Site give the above. The Proposed Use is compatible with the surrounding land uses.

8.7 Allows Efficient Use of Vacant Land

- 8.7.1 Land is a valuable and scarce resources for Hong Kong. Given the land has been left idle, the Proposed Use on a temporary basis will better utilize vacant land lot to meet the demand needs of the locality.

8.8 Would not Result in Adverse Impacts to the Surroundings

- 8.8.1 Technical Assessments were conducted to assess the potential traffic, environmental, sewerage, and drainage impacts of the Proposed Development. They concluded that there will be no insurmountable problems for the implementation of the Proposed Development at the Site.

8.9 Would not set an undesirable precedent case

- 8.9.1 With reference to Para 3.2.4, a desktop review on similar cases found that numerous applications of same use were approved by TPB on temporary basis. The Application has its individual merits of contributing to support the logistics industry and facilitate cross border trade. The Proposed Development will benefit the community in the long-run and would not set an undesirable precedent case.

9. Conclusion

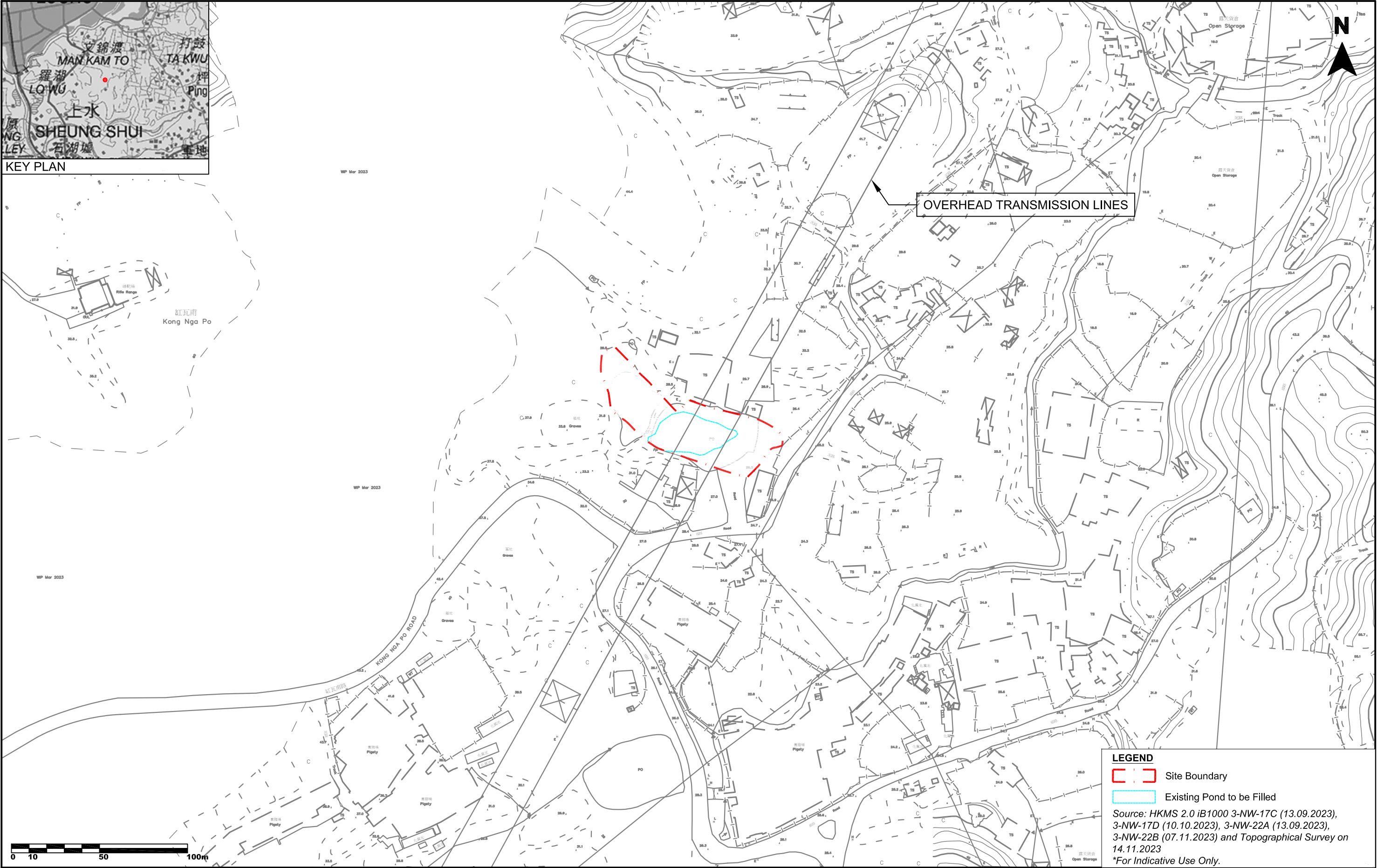
- 9.1.1 The Applicant seeks approval from the TPB for the Proposed Use. The application is justified on the grounds that the Proposed Use:


- is in line with Policy Address 2023;
- follows the Development Bureau's directive to apply for Planning Permission;
- complies with Town Planning Board Guideline No. 13G;
- facilitates the development of the Kwu Tong North/Fanling North New Development Area;
- would not frustrate the long-term planning intention;
- is compatible to the surrounding;
- allows efficient use of vacant land;
- would not result in adverse impacts to the surroundings; and
- would not set an undesirable precedent case.

- 9.1.2 This Planning Statement demonstrates that this Section 16 Planning Application deserves favourable consideration by the TPB in light of the justifications provided. We trust that the TPB will see fit to approve this Section 16 Planning Application.

Figures

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	ADDRESS: 2/F & 3/F TUNG HIP COMMERCIAL BUILDING 244 DES VOEUX ROAD CENTRAL HONG KONG TEL: 2507 8333 FAX: 2598 6576	JOB TITLE: Section 16 Application for Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong	Drawing Title LOCATION PLAN				Drawn	CN	Date	20/11/2023	Drawing No. Figure 1.1			
							Checked	RT	Approved	RT				
														Rev.
				Rev		Description		Date		Scale	1 : 2 000 @ A3			

From: DPFO/DEVB <dpfo@devb.gov.hk>
Sent: Thursday, 3 August 2023 10:20 am
To: 'donald@hyhel.com.hk'
Subject: Re: DPFO -BF0023 支援受政府項目影響而需覓地重置的棕地作業經營者(興仁行有限公司)
Attachments: 查詢表格.pdf; 租約_DD87 Lot 343 RP.pdf; 租約_DD87 Lot 342 RP.pdf

興仁行有限公司
麥先生:

2023年7月7日的電郵收悉。就閣下查詢擬議虎地坳的地點（丈量約份第87約地段第341號餘段、第342號餘段及第343號餘段）是否適合作重置興仁行有限公司作運輸物流、貨櫃存放/維修和貨櫃車維修用途，經諮詢規劃署及地政總署，本處現綜合回覆如下:

2. 規劃方面，擬議地點在《虎地坳及沙嶺分區計劃大綱草圖編號S/NE-FTA/17》上劃為「農業地帶」及「綠化地帶」。雖然擬議貨倉用途並不符合該地帶的規劃意向，但若擬議貨倉、維修和貨櫃車維修用途為期不超過3年，可向城市規劃委員會（下稱「城規會」）申請規劃許可。如擬議貨倉、維修和貨櫃車維修用途涉及填土/填塘工程，亦應一併向城規會申請。擬議地點部分為閒置土地，部分被植被覆蓋及有樹木群，周邊環境主要是臨時構築物、棕地作業、常耕農地，以及樹木群，申請的用途或會對交通、環境、排水、基礎設施、景觀和地形等方面帶來負面影響，申請人應在規劃申請文件內提供相關資料、技術評估及緩解措施，並考慮聘請專業人士進行交通影響評估。此外，如擬議用途涉及露天貯物／港口後勤之用途，申請人亦應在規劃申請文件內提供涉及露天貯物／港口後勤用途的相關資料，一併向城規會申請。城規會會參考「擬作露天貯物及港口後勤用途而按照《城市規劃條例》第16條提出的規劃申請」的規劃指引編號13G中所載的相關審批准則。根據規劃指引編號13G的資料，有關地點大部分屬第2類地區（「農業」地帶部分）；少部分屬第4類地區（「綠化地帶」部分）。就第2類地區而言，如果政府部門沒有負面意見，而且附近居民不予反對，則有關露天貯物／港口後勤用途的申請將會獲得有效期最長為3年的臨時規劃許可。至於第4類地區，除非情況特殊，否則露天貯物／港口後勤用途的申請通常會遭否決。故此，若有關人士決定在查詢地點進行上述用途，應將屬第4類地區（即「綠化地帶」部分）剔除在申請範圍之外。

3. 土地行政方面，擬議地點屬新界的舊批農地。根據該土地契約，任何人均不得在未經事先批准的情況下在該等農地上搭建構築物，以重置棕地作業。若相關規劃申請獲得規劃許可，地段業權人須向北區地政處申請豁免書，以准許在該地點搭建構築物或將任何違規情況（如有）規範化。地政總署會以地主或批租人身份全權酌情決定對相關豁免書申請作出考慮，但不保證相關申請必獲批准。若豁免書申請獲得批准，申請人必須遵從地政總署提出的條款和條件，包括但不限於繳付所須費用。

4. 如閣下對上述內容有任何疑問，請致電 3841 7286與本辦事處聯絡。

發展局規劃地政科
項目促進辦事處
陳靜嫻女士

From: DPFO/DEVB <dpfo@devb.gov.hk>
Sent: Friday, July 7, 2023 4:28 PM
To: 'donald@hyhel.com.hk' <donald@hyhel.com.hk>
Subject: Re: DPFO - BF0023 支援受政府項目影響而需覓地重置的棕地作業經營者 - 已填妥查詢表格 (興仁行有限公司)

麥先生:

謝謝閣下2023年7月7日 的電郵查詢。 本處會統籌有關決策局及/或部門跟進，並適時回覆。

如閣下對上述內容有任何疑問，請致電 3841 7286與下列署名人士聯絡。

發展局規劃地政科
項目促進辦事處
陳靜嫻女士

From: Donald <donald@hyhel.com.hk>
Sent: Friday, July 7, 2023 3:43 PM
To: DPFO/DEVB <dpfo@devb.gov.hk>
Subject: 支援受政府項目影響而需覓地重置的棕地作業經營者 - 已填妥查詢表格

執事先生/女士,

我們是受新界古洞北/粉嶺北新發展區餘下階段工程影響的棕地作業者, 主要從事運輸物流、貨櫃存放/維修和貨櫃車維修等業務。經過數月自行覓地重置的努力, 確信在現時情況下要找到一幅300,000平方呎的土地作重置安排的可能性微乎其微。退而求次, 只能考慮將業務重置於數片較小的土地上。將基礎建設須時較長的業務先行重置, 以減輕日後重置的難度, 達致雙贏的局面。

現我司在虎地坳及沙嶺分區覓得土地, 可作前期重置之用。附件為填妥的查詢表格及相關的文件, 敬希貴科能給予支持和協助, 使所覓得的重置作業地點能進行有關的業務, 不勝感謝!

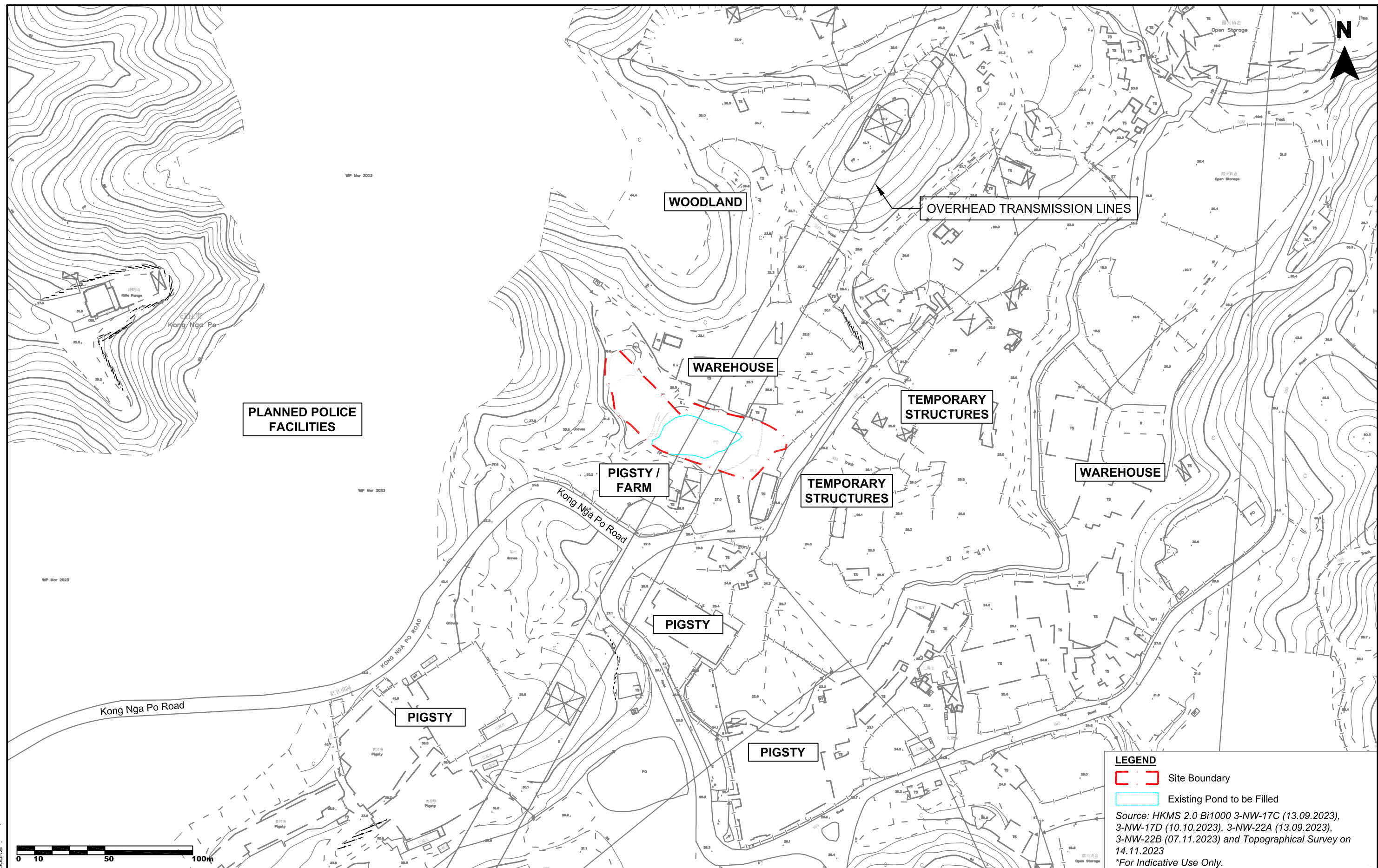
如對我司之查詢有任何問題, 請與本人聯絡。謝謝!

Donald Mak

HR & Administrative Officer

Direct line: (852) 3664 3887 / 3664 3800 | Email: donald@hyhel.com.hk

 PRUDENTIAL SURVEYING • LAND ADVISORY • VALUATION	ADDRESS: 2/F & 3/F TUNG HIP COMMERCIAL BUILDING 244 DES VOEUX ROAD CENTRAL HONG KONG TEL: 2507 8333 FAX: 2598 6576	JOB TITLE: Section 16 Application for Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong	Drawing Title LETTER FROM DEVELOPMENT BUREAU				Drawn HY	Date 20/11/2023	Drawing No. Figure 1.2	
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				Rev	Description	Date				





VIEWPOINT 1



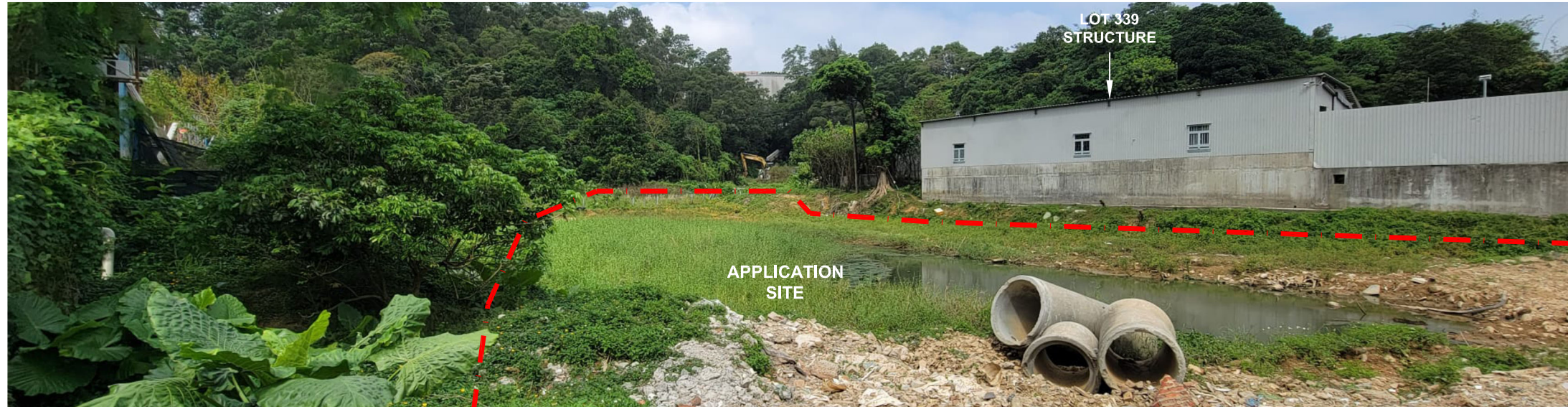
VIEWPOINT 2



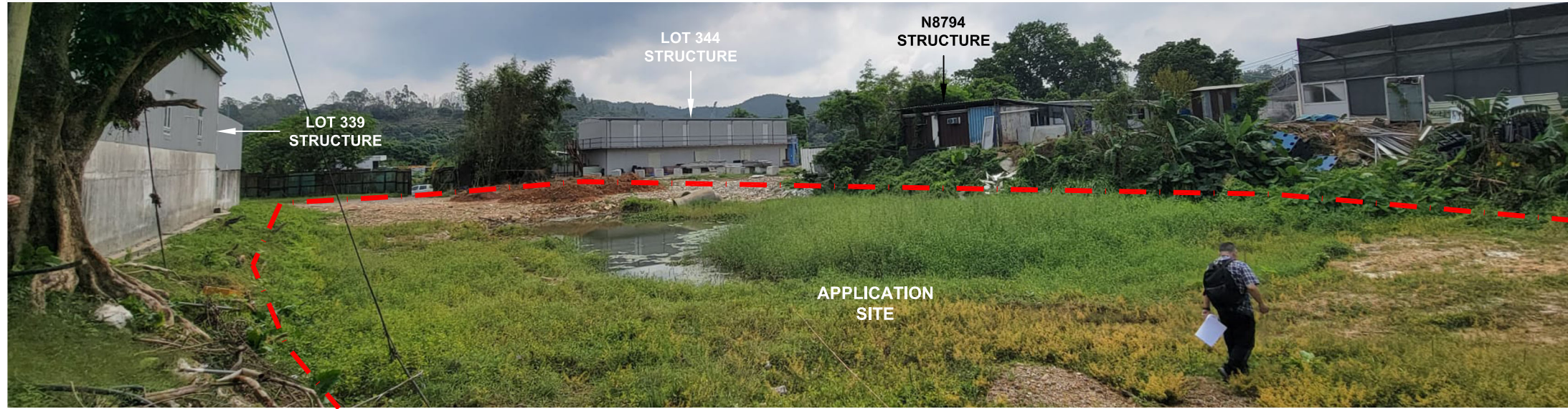
VIEWPOINT 3



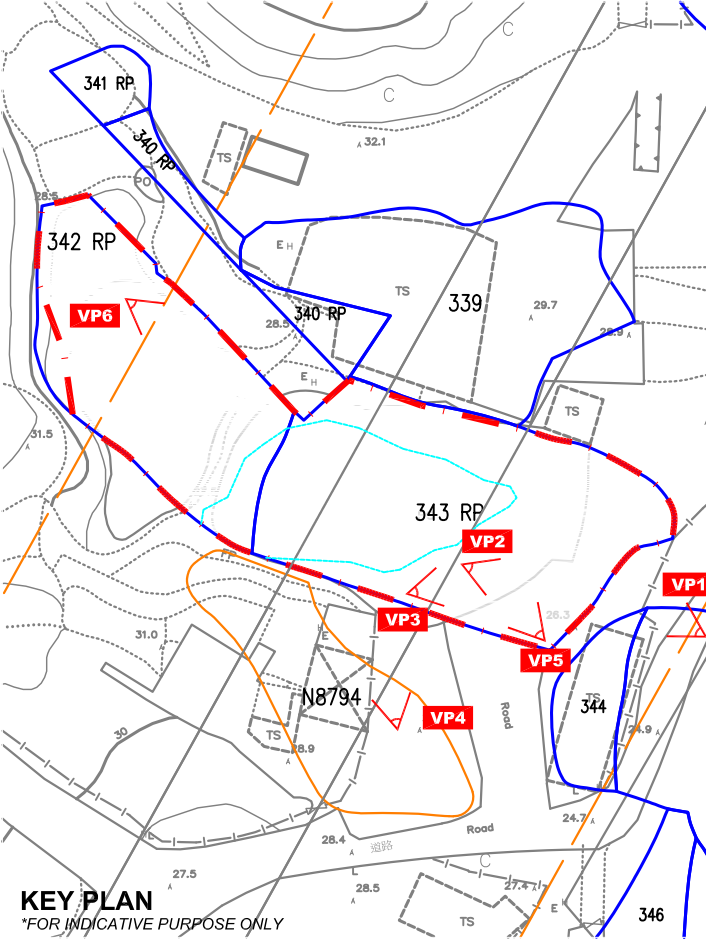
VIEWPOINT 4



VIEWPOINT 5



VIEWPOINT 6



LEGEND	
	SITE BOUNDARY
	LOT BOUNDARY
	GOVERNMENT LAND LICENCE
	VIEWPOINT (VP)
	EXISTING POND

File Name :
Source :



ADDRESS: 2/F & 3/F TUNG HIP COMMERCIAL BUILDING
244 DES VOEUX ROAD CENTRAL HONG KONG
TEL: 2507 8333
FAX: 2598 6576

JOB TITLE:

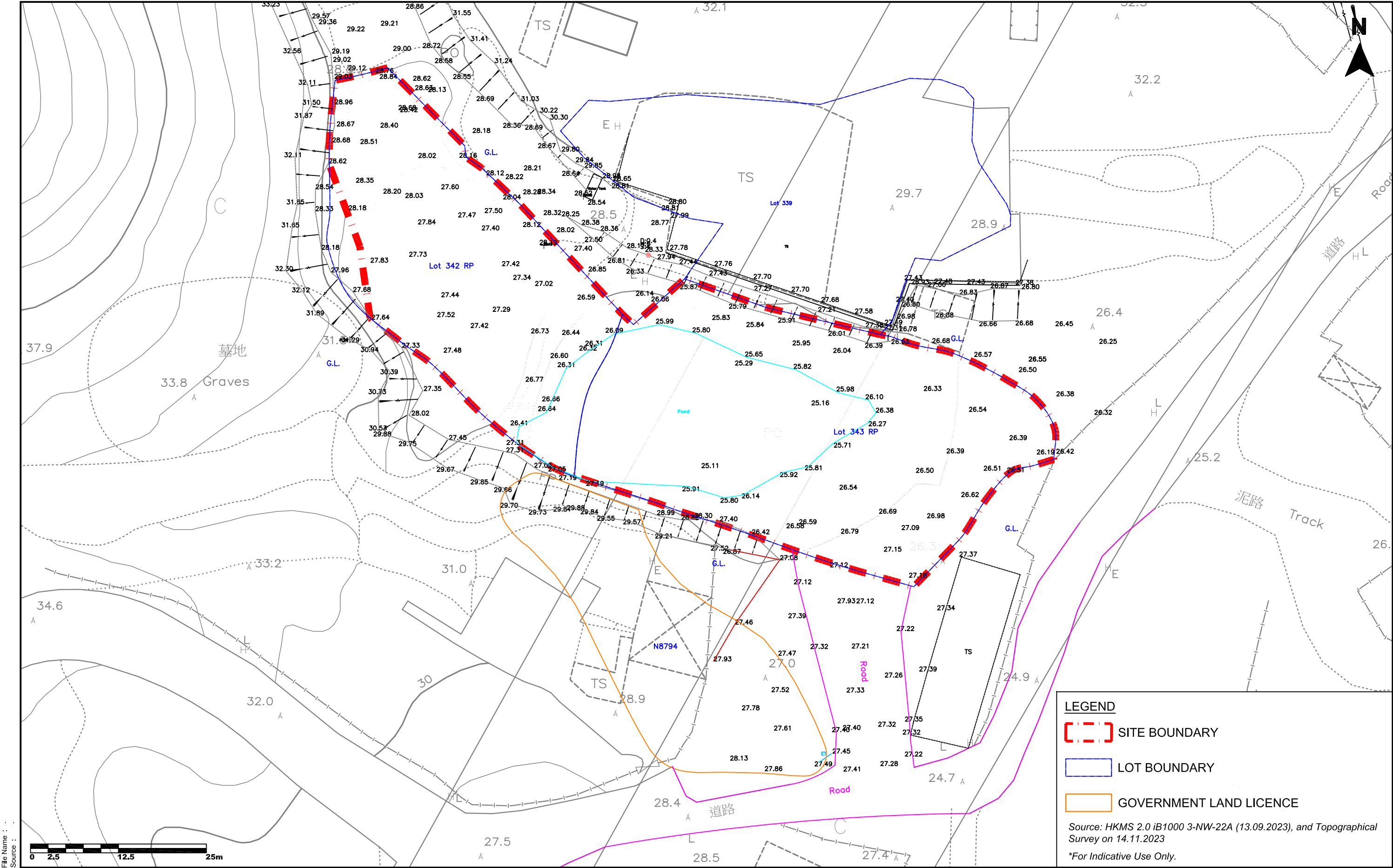
Section 16 Application for Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong

Drawing Title

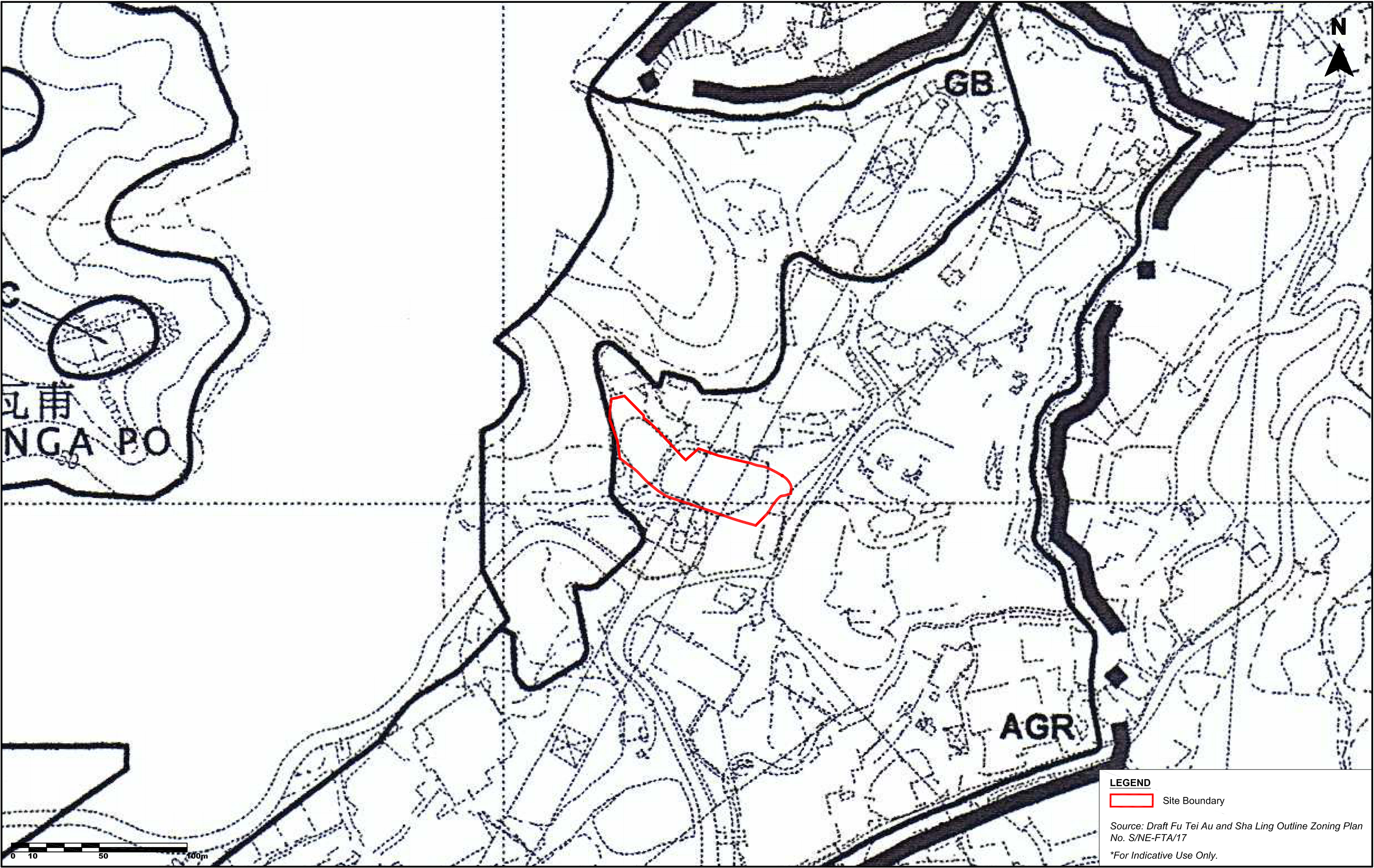
SITE PHOTOS

			Drawn	CN	Date	27/11/2023	Drawing No.
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Rev	Description	Date					-

Figure 2.2



<div><div></div><div>PRUDENTIAL</div><div>SURVEYING • LAND ADVISORY • VALUATION 測量</div></div>	ADDRESS: 2/F & 3/F TUNG HIP COMMERCIAL BUILDING 244 DES VOEUX ROAD CENTRAL HONG KONG TEL: 2507 8333 FAX: 2598 6576	JOB TITLE: Section 16 Application for Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong	Drawing Title TOPOGRAPHICAL SURVEY				Drawn HY	Date 20/11/2023	Drawing No. Figure 2.3
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				Rev	Description	Date			



File Name :
Source :

LEGEND

Site Boundary

Source: Draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/17

*For Indicative Use Only.

<div><div><div></div></div><div>PRUDENTIAL</div><div>SURVEYING • LAND ADVISORY • VALUATION</div></div>	ADDRESS: 2/F & 3/F TUNG HIP COMMERCIAL BUILDING 244 DES VOEUX ROAD CENTRAL HONG KONG TEL: 2507 8333 FAX: 2598 6576	JOB TITLE: Section 16 Application for Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong	Drawing Title OZP PLANNING CONTEXT OF THE SURROUNDINGS				Drawn HY	Date 20/11/2023	Drawing No. Figure 3.1
							Checked RT	Approved RT	
							Scale 1:2 000 @ A3		Rev. -
				Rev	Description	Date			

- (7) Road junctions, alignment of roads, and boundaries between zones may be subject to minor adjustments as detailed planning proceeds.
- (8) The following uses or developments are always permitted on land falling within the boundaries of the Plan except where the uses or developments are specified in Column 2 of the Notes of individual zones:
- (a) maintenance, repair or demolition of a building;
 - (b) provision, maintenance or repair of plant nursery, amenity planting, open space, rain shelter, refreshment kiosk, footpath, bus/public light bus stop or lay-by, cycle track, taxi rank, public utility pipeline, electricity mast, lamp pole, telephone booth, telecommunications radio base station, automatic teller machine and shrine;
 - (c) maintenance or repair of road, watercourse, nullah, sewer and drain;
 - (d) geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, marine related facilities and waterworks (excluding works on service reservoir) and such other public works co-ordinated or implemented by Government;
 - (e) rebuilding of New Territories Exempted House;
 - (f) replacement of an existing domestic building i.e. a domestic building which was in existence on the date of the first publication in the Gazette of the notice of the interim development permission area plan, by a New Territories Exempted House; and
 - (g) provision, maintenance or repair of a grave of an indigenous New Territories villager or a locally based fisherman and his family members for which permission has been obtained from Government.
- (9) In any area shown as 'Road', all uses or developments except those specified in paragraphs (8)(a) to (8)(d) and (8)(g) above and those specified below require permission from the Town Planning Board:
- road, toll plaza and on-street vehicle park.
- (10) (a) Temporary use or development of any land or building not exceeding a period of two months is always permitted provided that no site formation (filling or excavation) is carried out and that the use or development is a use or development specified below:
- structures for carnivals, fairs, film shooting on locations, festival celebrations, religious functions or sports events.
- (b) Except as otherwise provided in paragraph (10)(a), temporary use or development of any land or building not exceeding a period of three years requires permission from the Town Planning Board. Notwithstanding that the use or development is not provided for in terms of the Plan, the Town Planning Board may grant permission, with or without conditions, for a maximum period of three years, or refuse to grant permission.

AGRICULTURE

Column 1 Uses always permitted	Column 2 Uses that may be permitted with or without conditions on application to the Town Planning Board
Agricultural Use Government Use (Police Reporting Centre only) On-Farm Domestic Structure Public Convenience Religious Institution (Ancestral Hall only) Rural Committee/Village Office	Animal Boarding Establishment Barbecue Spot Burial Ground Field Study/Education/Visitor Centre Government Refuse Collection Point Government Use (not elsewhere specified) House (New Territories Exempted House only, other than rebuilding of New Territories Exempted House or replacement of existing domestic building by New Territories Exempted House permitted under the covering Notes) Picnic Area Place of Recreation, Sports or Culture (Horse Riding School, Hobby Farm, Fishing Ground only) Public Utility Installation Religious Institution (not elsewhere specified) School Utility Installation for Private Project

Planning Intention

This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

(Please see next page)

AGRICULTURE (Cont'd)

Remarks

- (a) Any filling of pond, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the interim development permission area plan without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance
- (b) Any filling of land, including that to effect a change of use to any of those specified in Columns 1 and 2 above or the uses or developments always permitted under the covering Notes (except public works co-ordinated or implemented by Government, and maintenance, repair or rebuilding works), shall not be undertaken or continued on or after the date of the first publication in the Gazette of the notice of the draft Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/8 without the permission from the Town Planning Board under section 16 of the Town Planning Ordinance. This restriction does not apply to filling of land specifically required under prior written instructions of Government department(s) or for the purposes specified below:

(i) laying of soil not exceeding 1.2m in thickness for cultivation; or

(ii) construction of any agricultural structure with prior written approval issued by the Lands Department.

9.5.3 Nevertheless, in order to maintain control and address potential impacts of port back-up uses on drainage, traffic, sewage and environment on adjoining areas, permission of the Board under section 16 of the Ordinance would be required.

9.5.4 A piece of land abutting Man Kam To Road in Fu Tei Au is zoned “OU” annotated “Poultry Slaughtering Centre”. This zone is intended primarily for the development of a poultry slaughtering centre to centralize the processing of poultry slaughtering so as to minimize the risk of human infection of avian influenza. The poultry slaughtering centre shall not exceed the maximum building height of 40 metres above Hong Kong Principal Datum.

9.6 Agriculture (“AGR”) : Total Area 125.90 ha

9.6.1 This zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The zoned areas are usually well served by irrigation and servicing facilities as well as marketing facilities for intensive farming including livestock rearing, fish culture and horticulture. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.


9.6.2 Since the norther part (e.g. Sha Ling) and eastern part of the Area (e.g. Sheung Shui Wa Shan) fall within the Environmental Protection Department's Livestock Waste Control Area (i.e. Upper Shenzhen River Area) with effect from 1 January 1989, livestock premises located in the statutory Control Area must comply with the requirements of the Waste Disposal (Livestock Waste) Regulations. Measures should be taken to prevent any environmental nuisance to the public and any pollution to watercourses and Water Gathering Grounds within the meaning of the Waterworks Ordinance. Adequate provision for the temporary storage of livestock waste in properly-designed and constructed containers should be made.

9.6.3 Part of the Sheung Shui Wa Shan Site of Archaeological Interest falls within this zone and prior consultation with the Antiquities and Monuments Office (AMO) of Development Bureau (DEVB) is required on any development or redevelopment proposal which might affect the site. As filling of land/pond may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities. However, filling of land specifically required under prior written instructions of Government department(s) or for the purposes of genuine agricultural practice including laying of soil not exceeding 1.2m in thickness for cultivation, and construction of agricultural structure with prior written approval from the Lands Department is exempted from the control.

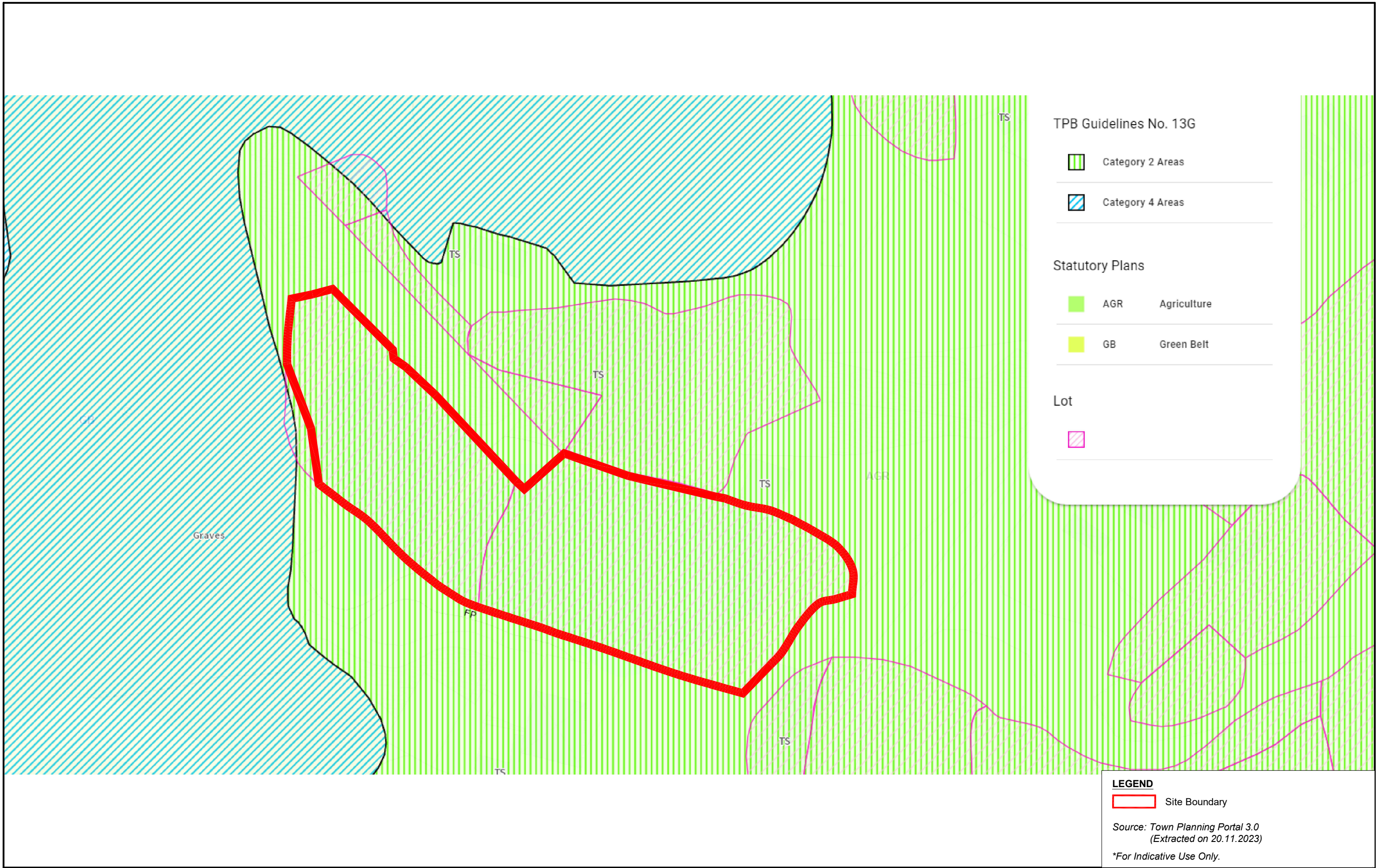
9.7 Green Belt (“GB”) : Total Area 105.49 ha

9.7.1 The planning intention of this zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to

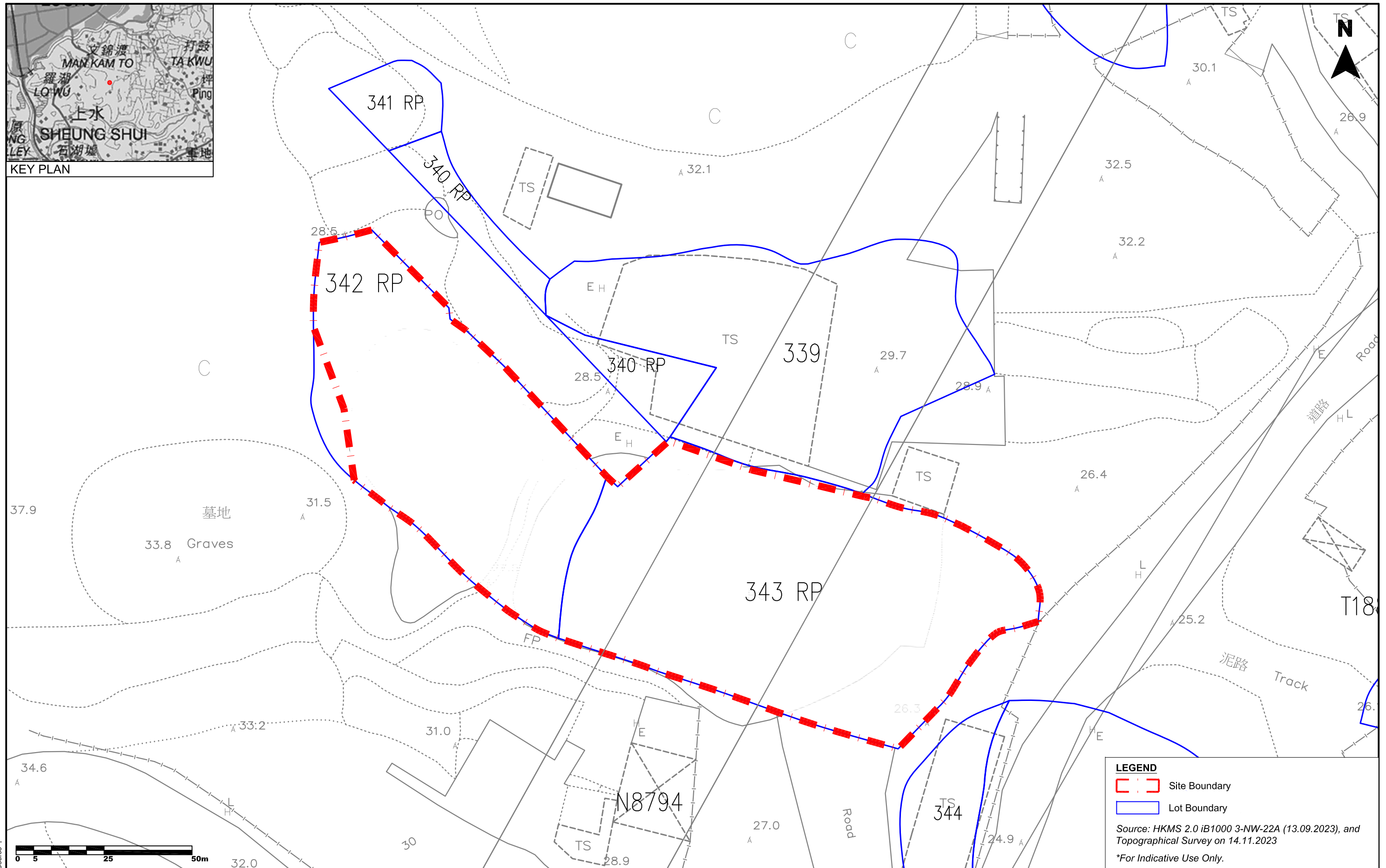
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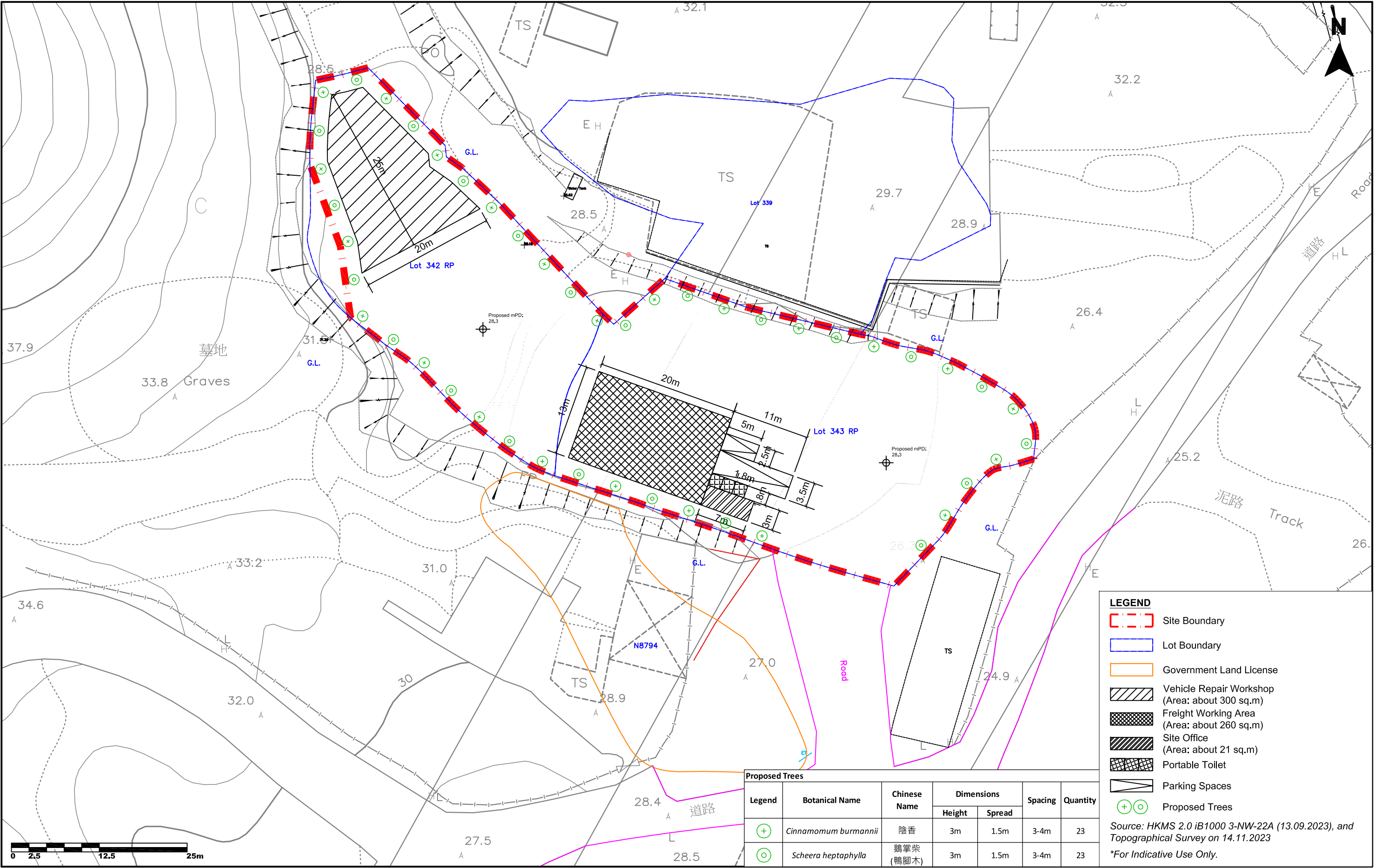
 SURVEYING • LAND ADVISORY • VALUATION	ADDRESS: 2/F & 3/F TUNG HIP COMMERCIAL BUILDING 244 DES VOEUX ROAD CENTRAL HONG KONG TEL: 2507 8333 FAX: 2598 6576	JOB TITLE: Section 16 Application for Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong	Drawing Title EXTRACT OF EXPLANATORY STATEMENT OF THE DRAFT FU TEI AU AND SHA LING OUTLINE ZONING PLAN NO. S/NE-FTA/17			Drawn	HY	Date	20/11/2023	Drawing No. Figure 3.4	
						Checked	RT	Approved	RT		
						Scale		N.T.S.		Rev.	
				Rev	Description	Date					

File Name :
Source :



<div><div><div></div><div>PRUDENTIAL</div><div>SURVEYING • LAND ADVISORY • VALUATION</div></div></div>	ADDRESS: 2/F & 3/F TUNG HIP COMMERCIAL BUILDING 244 DES VOEUX ROAD CENTRAL HONG KONG TEL: 2507 8333 FAX: 2598 6576	JOB TITLE: Section 16 Application for Proposed Temporary Logistic Centre, Warehouse (excluding Dangerous Goods) and Vehicle Repair Workshop for a Period of 3 Years and Associated Filling of Land and Pond at the Remaining Portion (RP) of 342 (part) and RP of 343 in Demarcation District (D.D.) 87, North New Territories, Hong Kong	Drawing Title TPB PG-No. 13G (CATEGORY 2 AREA)	Rev	Description	Date	Drawn HY	Date 20/11/2023	Drawing No. Figure 3.5
							Checked RT	Approved RT	
							Scale N.T.S.		Rev. -





LEGEND

- Site Boundary
- Lot Boundary
- Government Land License
- Vehicle Repair Workshop (Area: about 300 sq.m)
- Freight Working Area (Area: about 260 sq.m)
- Site Office (Area: about 21 sq.m)
- Portable Toilet
- Parking Spaces
- Proposed Trees

Source: HKMS 2.0 iB1000 3-NW-22A (13.09.2023), and Topographical Survey on 14.11.2023

*For Indicative Use Only.

Proposed Trees						
Legend	Botanical Name	Chinese Name	Dimensions		Spacing	Quantity
			Height	Spread		
	Cinnamomum burmannii	陰香	3m	1.5m	3-4m	23
	Scheera heptaphylla	鵝掌柴 (鴨腳木)	3m	1.5m	3-4m	23