

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

**APPLICATION NO. A/NE-TKL/803**

<b><u>Applicant</u></b>	: New Times Capital (Hong Kong) Limited represented by R-riches Planning Limited
<b><u>Site</u></b>	: Lot 1355 (Part) in D.D. 82, Ping Che, Ta Kwu Ling, New Territories
<b><u>Site Area</u></b>	: About 252m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of Three Years

**1    The Proposal**

- 1.1    The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is vacant and covered with vegetation.
- 1.2    The Site is accessible via a local track leading to Ping Che Road (**Plan A-1**). According to the applicant, the proposed use includes one single-storey structure of about 8m in height with a total floor area of about 203m<sup>2</sup> for storage of miscellaneous goods (i.e. packaged food, apparel, footwear, electronic goods, furniture, etc.). No dangerous goods will be allowed at the Site during the planning approval period. One loading/unloading (L/UL) bay for light goods vehicles will be provided inside the proposed structure. The operation hours of the proposed use are between 8 a.m. and 7 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant proposes traffic management measures such as deploying staff to ensure no queuing of vehicles or illegal parking outside the Site, providing sufficient vehicle manoeuvring space and requiring prior appointment for vehicle entering the Site. The applicant also applies for regularisation of filling of land of the entire Site with concrete with a depth of not more than 0.2m for site formation of structure and circulation space, which has been kept to minimal to meet the operational needs of the proposed use. The layout plan submitted by

the applicant is shown in **Drawing A-1**.

1.3 In support of the application, the applicant have submitted the following documents:

- |     |   |                      |
|-----|---|----------------------|
| (a) | Application Form with attachments received on 12.6.2025     | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 18.7.2025 <sup>^</sup> | <b>(Appendix Ia)</b> |
| (c) | FI received on 28.7.2025 <sup>^</sup>                       | <b>(Appendix Ib)</b> |

*<sup>^</sup>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 and FIs at **Appendices I** to **Ib**, as summarised below:

- (a) the proposed use which involves only a single low-rise structure is considered not incompatible with the surrounding areas dominated by temporary structures for warehouses, open storage yards and paved vacant land, etc.;
- (b) while the Site is zoned “AGR”, there is no active agricultural activity within the Site. Approval of the application on a temporary basis of three years will not frustrate the long-term planning intention of the “AGR” zone. It will better utilise the precious land resources and meet the pressing demand for indoor storage space in the New Territories;
- (c) there were similar planning approvals for warehouse use in the same “AGR” zone. Approval of the application will not set an undesirable precedent in the same “AGR” zone; and
- (d) the proposed use will not create significant nuisance to the surrounding areas. No adverse traffic impact is anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) and comply with all environmental protection/pollution control ordinances to minimise adverse environmental impacts.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **4 Background**

Recent site inspection revealed that the Site is largely vacant with vegetation. The Site and its vicinity will be monitored according to established practice.

## **5 Previous Applications**

- 5.1 The Site involves in four previous applications (No. A/NE-TKL/244, 257, 262 and 338) for various temporary open storage uses/ recycling facilities for electronic appliances

submitted by different applicants which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board/ the Board on review between 2003 and 2010. As the application is for a different use, the planning considerations of these rejected applications are not applicable to the current application.

- 5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

## **6 Similar Applications**

- 6.1 There were nine similar applications (No. A/NE-TKL/695, 721, 737, 757, 762, 768, 779, 780 and 784) for temporary warehouse use involving seven sites within the same “AGR” zone in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee between 2022 and 2025 mainly on the considerations that no major adverse departmental comments were received on the application or the concerns of the relevant government departments could be addressed through imposition of approval conditions; the application complied with the Town Planning Board Guidelines; and policy support was given to facilitate the relocation of the applicant’s business affected by government project (for applications No. A/NE-TKL/721 and 779 only).
- 6.2 Details of the similar applications are summarised at **Appendix III** 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) vacant and covered with vegetation; and
  - (b) accessible via a local track leading to Ping Che Road.
- 7.2 The surrounding areas are of rural character comprising mainly warehouses, open storage yards, a site office, a car repairing workshop and domestic structures.

## **8 Planning Intention**

- 8.1 The planning intention of the “AGR” zone is 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.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

## **9 Comments from Relevant Government Departments**

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other

government 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 at **Appendices IV** and **V** respectively.

9.2 The following government department does not support the application:

**Agriculture**

9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the application is not supported from agricultural perspective; and
- (b) the Site falls within the “AGR” zone and is generally vacant. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

**10 Public Comments Received During Statutory Publication Period**

On 20.6.2025, the application was published for public inspection. During the statutory public inspection period, three comments were received (**Appendix VI**). Two comments from the Chairperson of Ta Kwu Ling District Rural Committee and an individual object to the application mainly on the grounds that there are already a number of warehouses along the local track and there is a fire safety concern noting that there was a fire incident nearby; the traffic capacity of the local track is already overloaded; the Site is not subject to previous approval and does not fall within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G); and the land has already been filled without approval. The remaining comment from a member of the North District Council indicates no comment on the application.

**11 Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the Site falling within “AGR” zone on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land at the whole Site with concrete of not more than 0.2m in depth for site formation and circulation space. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and

environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 11.3 The Site is located in an area of rural character comprising mainly warehouses, open storage yards, a site office, a car repairing workshop and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the COP to minimise any possible environmental nuisance.
- 11.5 There were nine similar applications within the same “AGR” zone in the vicinity of the Site in the past five years which were all approved with conditions by the Committee as mentioned in paragraph 6.1 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant. TPB PG-No. 13G is not applicable to the current application.

## **12 Planning Department’s Views**

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, the Planning Department has no objection to the application.
- 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 1.8.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

### **Approval Conditions**

- (a) the submission of a 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 1.2.2026;
- (b) in relation to (a) 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 1.5.2026;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at

all times during the planning approval period;

- (d) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.2.2026;
- (e) in relation to (d) 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 1.5.2026;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if any of the above planning condition (a), (b), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

#### Advisory Clauses

The Recommended Advisory Clauses are at **Appendix V**.

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

the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 the 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 with Attachments received on 12.6.2025
<b>Appendix Ia</b>	FI received on 18.7.2025
<b>Appendix Ib</b>	FI received on 28.7.2025
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
AUGUST 2025**