

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/48

<u>Applicant</u>	: Fancy Spot Limited represented by R-riches Planning Limited
<u>Site</u>	: Lots 963 S.A RP (Part) and 963 S.B RP (Part) in D.D. 82, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 1,430m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/6
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the application site (the Site). The Site falls within an area zoned “REC” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is generally vacant and overgrown with wild grass (**Plan A-4**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of business operation at the original site affected by the Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA) which has been resumed by the Government. The affected operation involves a total site area of about 1,668m² as claimed by the applicant.
- 1.3 The Site is abutting Ping Che Road to the east (**Plan A-2**). According to the submission, the proposed use consists of one two-storey structure of about 13m in height with a total floor area of about 1,428m² for a warehouse storing miscellaneous goods¹, with ancillary office and washroom. The remaining uncovered area (about 716m² or 50% of the Site)

¹ According to the applicant, the storage items at the proposed warehouse includes but are not limited to packaged food and beverage, apparel, footwear, electronic goods which are the same as those at the original site. There will be no storage of dangerous goods at the Site.

is designated for circulation area to support daily operation of the proposed use. Two private car parking spaces (5m (L) x 2.5m (W)), and one L/UL space each for light goods vehicles (7m (L) x 3.5m (W)) and container vehicles (16m (L) x 3.5m (W)) are proposed within the Site. The operation hours of the proposed use are between 8:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. It is estimated that the Site would be able to accommodate not more than six staff. There would be no workshop and visitor activities within the Site. According to the applicant, a 3m setback from the tributary of Ping Yuen River to the west of the Site will be provided before any land filling/site formation works. No trees have been identified. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 According to the applicant, an ingress/egress is proposed at the southeast of the Site (**Drawing A-1**) and sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis and run-in/out proposal for container vehicles are submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ia** and **Ic**), a 'slow-down' sign at the entrance of the Site and 60m sightlines for both directions of Ping Che Road at the ingress/egress of the Site will be provided to ensure road safety. Staff will be deployed to assist the manoeuvring of container vehicles and instruct the vehicles entering/leaving the Site to ensure vehicle and pedestrian safety.
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|---|------------------------|
| (a) | Application Form received on 26.6.2025 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Further Information (FI) received on 29.7.2025* | (Appendix Ib) |
| (d) | FI received on 1.8.2025 and 6.8.2025* | (Appendix Ic) |
| (e) | FI received on 11.8.2025 and 12.8.2025* | (Appendix Id) |

** 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, SPS and FIs at **Appendices I to Id**, as summarised below:

- (a) the proposed use is to facilitate the relocation of brownfield operation affected by FLN NDA. The applicant intends to relocate the business to the Site to continue the business operation;
- (b) the original business premises, with a slightly smaller area, involves open storage of construction materials and machinery. The proposed use could better utilise land resources and enhance the overall efficiency of the Site. Approval of the application could act as a pilot scheme to support the Government's policy on upgrading and restructuring the open storage industry;
- (c) the applicant has conducted site search process to identify suitable site for the relocation of the affected operation and the Site is considered most suitable for relocation;
- (d) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where brownfield operations are commonly found at the surrounding areas;

- (e) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (f) there are similar precedent cases (application No. A/NE-MKT/42² and A/NE-TKLN/77³) approved by the Rural and New Town Planning Committee (the Committee) within the “REC” zone in the vicinity of the Site; and
- (g) no significant adverse impacts in terms of environmental, traffic, landscape, drainage, etc. are anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (the COP) issued by the Environmental Protection Department and comply with the relevant mitigation measures and requirements.

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 notice near the Site and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

- 5.1 A minor portion of the Site is the subject of a previous application (No. A/DPA/NE-TKL/7) for a metal and plastic factory, which was rejected by the Committee on 1.11.1991. The planning consideration of the previous application are not relevant to the current application for a different use.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There were seven similar applications (No. A/NE-MKT/27, 42 and 43, A/NE-TKLN/77, 85, 86 and 93) for temporary warehouses with or without open storage within the “REC” zone in the vicinity of the Site in the past five years (**Plan A-1**). Amongst them, six applications (No. A/NE-MKT/42 and 43, A/NE-TKLN/77, 85, 86 and 93) located at the “REC” zone on the Man Kam To and Ta Kwu Ling North OZPs to the north and northeast

² Application No. A/NE-MKT/42 is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years which was approved with conditions by the Committee on 28.3.2025.

³ Application No. A/NE-TKLN/77 is for proposed temporary logistic centre, warehouse (excluding dangerous goods godown) and container vehicle park with ancillary facilities for a period of three years which was approved with conditions by the Committee on 15.3.2025.

of the Site respectively were approved with conditions by the Committee between March 2024 and April 2025 mainly on the considerations that the applications were to facilitate relocation of business operations affected by government projects (i.e. Hung Shui Kiu/Ha Tsuen, KTN/FLN and Yuen Long South NDAs, public housing development at Sha Po and Northern Link Main Line) and the Secretary for Development (SDEV) rendered policy support to the applications (except for application No. A/NE-TKLN/93); there were no major adverse departmental comments on the applications; and the proposed use was not entirely incompatible with the surrounding land uses.

- 6.2 The remaining application (No. A/NE-MKT/27) for proposed temporary warehouse for storage of machinery parts and open storage of construction machinery with ancillary office was rejected by the Board on review in 2023 mainly for the reasons of no strong planning justification for a departure from the planning intention of the “REC” zone; being failed to demonstrate that the proposed use would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas; and not complying with the Town Planning Board Guidelines No. 13G for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13G).
- 6.3 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 and A-2, aerial photo on Plan A-3 and site photos on Plan A-4)

- 7.1 The Site is:
 - (a) generally vacant and overgrown with wild grass; and
 - (b) abutting Ping Che Road to the east and bordering the tributary of Ping Yuen River to the west.
- 7.2 The surrounding areas mainly comprise storage yards, village houses, active/fallow agricultural land, vegetated areas and tree clusters. To the east across Ping Che Road is the village proper of Tong Fong zoned “Village Type Development”. To the south is a temporary open storage of recyclable materials and ancillary workshop covered with a valid planning permission under application No. A/NE-TKL/758.

8. Planning Intention

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/department as set out in paragraphs 9.2 and 9.3 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 bureau supports the application:

Policy Support

9.2.1 Comments of the SDEV:

- (a) the application is to facilitate relocation of a brownfield operation providing storage services, which will be affected by the Remaining Phase development of KTN/FLN NDA;
- (b) according to the applicant, a site search was conducted with a view of identifying suitable site for re-establishment of the business elsewhere, and the Site under the current application is considered suitable for relocation; and
- (c) subject to concerned departments' comments on land use compatibility and technical aspects, the application is supported from the policy perspective.

9.3 The following government department does not support the application:

Environment

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

- (a) he is unable to lend support from the environmental planning perspective since the application involves use of heavy vehicle and domestic structure is located within 100m from the site boundary (**Plan A-2**);
- (b) no environmental complaint was received for the Site in the past three years; and
- (c) his other advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 4.7.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). One individual objects to the application for the reasons that the Site is not the subject of any previously approved application; the application is not complying with the TPB PG-No. 13G; and the proposed warehouse does not align with the policy intention of providing multi-storey industrial buildings and modern logistics centres. The remaining public 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) with ancillary facilities for a period of three years at the Site zoned "REC" on the OZP (**Plan A-1**). Although the proposed use is not in line with the planning intention of the "REC"

zone, there is no known development proposal at the Site. According to the applicant, the application is submitted to facilitate the relocation of brownfield operations affected by KTN/FLN NDA; and the Site is considered suitable for relocation as identified by the applicant, SDEV supports the application. Taking into account the planning assessments below and the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.

- 11.2 The Site, abutting Ping Che Road to the east, is generally vacant and overgrown with wild grass, and without any existing tree (**Plans A-2 and A-4**). The proposed use, involving a single two-storey structure with a total floor area of about 1,428m² and a building height of 13m, is considered not entirely incompatible with the surrounding areas which are of rural character mainly comprising storage yards, village houses, vegetated areas and tree clusters (**Plan A-3**). The Chief Town Planner/Urban Design and Landscape, Planning Department has no adverse comment on the application from landscape planning perspective.
- 11.3 Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services, Commissioner for Transport, and Chief Highway Engineer/New Territories East of Highways Department, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix V** respectively. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the latest COP to minimise any possible environmental nuisance.
- 11.4 There were five similar applications (No. A/NE-MKT/42 and 43, A/NE-TKLN/77, 85 and 86) for temporary warehouse to the north and northeast of the Site (**Plan A-1**) related to the relocation of brownfield operations affected by government projects, which were approved with conditions by the Committee between March 2024 and April 2025 mainly on the considerations as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comments mentioned in paragraph 10, the government departments' comments and planning assessments above are relevant. Moreover, the 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 15.8.2028. 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 15.2.2026;

- (b) in relation to (a) above, the implementation of the 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 15.5.2026;
- (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 15.2.2026;
- (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 15.5.2026;
- (f) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 15.2.2026;
- (g) in relation to (f) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 15.5.2026;
- (h) the implementation of the traffic management measures, 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 15.5.2026;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (c) or (i) 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
- (k) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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 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 is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. 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

Appendix I	Application Form received on 26.6.2025
Appendix Ia	SPS
Appendix Ib	FI received on 29.7.2025
Appendix Ic	FI received on 1.8.2025 and 6.8.2025
Appendix Id	FI received on 11.8.2025 and 12.8.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**