

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/812

<u>Applicant</u>	: Grace Regent International Limited represented by Centaline Property Agency Limited
<u>Site</u>	: Lot 557 in D.D. 82, Ping Che, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 524m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse for Storage of Construction Materials and Associated Filling of Land for a Period of 3 Years

1 The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials 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 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 hard-paved.
- 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 5m in height with a total floor area of about 171m² for storage of construction materials required for insulation coating of air-conditioning equipment in construction sites. The items to be stored within the Site are non-polluted and non-dangerous. The uncovered area of the Site will be used for one private car parking space (2.5m (W) x 5m (L)), one loading/unloading (L/UL) space for light goods vehicle (3.5m (W) x 7m (L)) and vehicle manoeuvring space. The operation hours of the proposed use are between 9:00 a.m. and 5:30 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The applicant also applies for regularisation of filling of land of the entire Site with concrete and cement with a depth of about 0.2m for site formation. No further land filling work will be carried out. The applicant proposes traffic management measures, namely

deploying traffic regulator near the access of the Site to ensure no queuing of vehicles outside the Site, confining all L/UL activities within the Site, and erecting road signs to alert drivers and pedestrians.

1.4 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 13.8.2025 (Appendix I)
- (b) Supplementary Information (SI) received on 18.8.2025 (Appendix Ia)
- (c) Further Information (FI) received on 3.12.2025[^] (Appendix Ib)

[^]accepted and exempted from publication and recounting requirements

1.5 On 10.10.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months upon the applicant's request.

2 Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) there has not been any agricultural activity within the Site. Approval of the application on a temporary basis will not influence the long-term planning intention of the "AGR" zone or any planned infrastructure developments at the Site and its neighbourhood;
- (b) there were similar planning approvals for warehouse use in the "AGR" zone near the Site. Approval of the application will not set an undesirable precedent in the same "AGR" zone and the proposed use is compatible with the land uses of the surrounding areas; and
- (c) no adverse traffic, landscape, environmental and drainage impacts arising from the proposed use are 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 during operation.

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

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

5 Previous Application

The Site is not the subject of any previous application.

6 Similar Applications

- 6.1 There are ten similar applications (No. A/NE-TKL/695, 721, 737, 757, 762, 768, 779, 780, 784 and 803) for temporary warehouse use involving eight 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; 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 II** 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 hard-paved; 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, storage uses, fallow/active agricultural land and domestic structures. Two “Green Belt” (“GB”) zones are located to the south and further southeast respectively.

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 III** and **IV** respectively.
- 9.2 The following government department does not support the application:

Agriculture and Nature Conservation

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

Agriculture

- (a) the application is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” zone and is cemented land. There are some agricultural activities in the vicinity. Agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as greenhouses and plant nurseries; and

Nature Conservation

- (c) no comment on the application from nature conservation perspective.

10 Public Comments Received During Statutory Publication Period

On 22.8.2025, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix V**). One comment from an individual objects to the application mainly on the grounds that the land is hard-paved and the Site has been used for brownfield operations without approval; and the Site is adjacent to “GB” zones with graves. 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 for storage of construction materials 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. DAFC does not support the application from the agricultural perspective as the Site can be used for agricultural activities such as greenhouses and plant nurseries. Nonetheless, 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 and cement of about 0.2m in depth for site formation. 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 planning 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, storage uses, fallow/active agricultural land and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no

adverse comment on the application from landscape planning perspective and advises that further significant adverse impact on existing landscape resources within the Site arising from the proposed use 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 are ten 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. 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.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant.

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, PlanD 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 23.1.2029. 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 23.7.2026;
- (b) in relation to (a) above, the implementation of the drainage proposal 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 23.10.2026;
- (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 23.7.2026;
- (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 23.10.2026;

- (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 IV**.

- 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

Appendix I	Application Form with Attachments received on 13.8.2025
Appendix Ia	SI received on 18.8.2025
Appendix Ib	FI received on 3.12.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3
Plan A-4

Aerial Photo
Site Photos

PLANNING DEPARTMENT
JANUARY 2026