

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/835

- Applicant** : Sunwacork Insulation Materials Supplies Limited represented by Aikon Development Consultancy Limited
- Site** : Various Lots in D.D. 87, Ping Che, Ta Kwu Ling
- Site Area** : About 1,916m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials with ancillary facilities 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 requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved¹, fenced-off and vacant.
- 1.2 The Site is accessible via a local track to Ping Che Road (**Plan A-2**). According to the applicant, the proposed use includes five single-storey structures of not more than 10m in height with a total floor area of about 1,105m² for warehouse, ancillary office, toilet, pump room and water tank. The proposed warehouse is intended for storage of construction materials which are non-polluting and non-dangerous in nature. One parking space for private car (2.5m (W) x 5m (L)) and one loading/unloading (L/UL) space for medium goods vehicle (MGV) (3.5m (W) x 11m (L)) will be provided. The applicant proposes traffic management measures including deploying traffic regulator near the access of the Site to ensure no queueing of vehicles outside the Site, confining all L/UL activities within the Site, and installing road signs to alert drivers and pedestrians for safety. A fence wall of about 1.9m tall is erected along the site boundary. The operation hours of the proposed use are between 9:00 a.m. and 5:30 p.m. from Mondays to

¹ According to record, the Site zoned “AGR” has been formed before the date of imposing a land filling clause pertaining to the zone under the draft Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/10 gazetted on 29.4.2005.

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 Site is the subject of three previous applications (No. A/DPA/NE-TKL/2 and 28 and A/NE-TKL/780). The last application No. A/NE-TKL/780, submitted by the same applicant for the same use as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 28.3.2025. The planning approval was subsequently revoked on 28.3.2026 due to non-compliance with approval conditions. Details of the previous applications are set out in paragraph 5 below. Compared with the last approved application No. A/NE-TKL/780, the current application mainly involves changes in layout and development parameters including increase in site area, total floor area and number of structures to be erected. A comparison of the major development parameters between the current application and application No. A/NE-TKL/780 is summarised as follows:

	Last Approved Application No. A/NE-TKL/780 (a)	Current Application No. A/NE-TKL/835 (b)	Difference (b) – (a)
Site Area	about 1,892m ²	about 1,915m ²	+23m ² / +1.2%
Total Floor Area	about 750m ²	about 1,105m ²	+355m ² / +47.3%
No. of Structure(s)	3	5	+2
No. of Storey(s)	1	1	No change
Building Height	3-5m	Not more than 10m	+5m
No. of Parking Space(s) for Private Cars	1	1	No change
No. of L/UL Bay(s) for MGVs	1	1	No change

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

- (a) Application Form with attachments received on 4.3.2026 (**Appendix I**)
 (b) Further Information (FI) received on 10.4.2026 and 13.4.2026* (**Appendix Ia**)

* *accepted and exempted from the 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 FI at **Appendices I** and **Ia**, as summarised below:

- (a) the Site is the subject of a previously approved application No. A/NE-TKL/780 for the same use as the current application. However, further review on operational needs reveals that both the floor area and building height in the approved scheme are insufficient for operational requirements. Additional ancillary facilities including pump room and water

tank are also proposed in the current application to meet the fire safety requirement. There are no substantial changes in planning circumstances and development parameters compared with the previously approved application. The applicant commits to comply with the approval conditions once the application is approved;

- (b) the proposed use is considered compatible with the land uses in the surrounding area predominated by open storage yards, warehouses, temporary structures and vegetated areas. There are similar planning approvals in the vicinity of the Site;
- (c) the Site has been hard-paved and has not supported any agricultural activities, and there are open storage and warehouses in close proximity of the Site. The planning intention of “AGR” zone may hardly be materialised in short term. Approval of the current application, which is temporary in nature, will allow better utilisation of land without jeopardising the long-term planning intention of the “AGR” zone; and
- (d) no adverse environmental, drainage, visual, landscape and traffic impacts arising from the proposed use are anticipated. No complaint related to storage use at the Site was received for over 30 years. 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 construction and operation stages. The applicant will apply to the Lands Department (LandsD) for Short Term Waiver (STW) for erection of structures upon approval of the application.

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 Applications

5.1 The Site is the subject of three previous applications (No. A/DPA/NE-TKL/2 and 28 and A/NE-TKL/780). Application No. A/DPA/NE-TKL/28 for warehouse for the storage of cork was rejected by the Board on review on 11.12.1992 mainly on the grounds that the track to the site was too narrow to cope with the traffic generated; the proposed use was not compatible with the planning intention for the area zoned “Unspecified Use”; the proposed site coverage was considered excessive; and the applicant did not provide enough details to support the application.

5.2 Application No. A/NE-TKL/780 submitted by the same applicant for the same use as the current application was approved with conditions by the Committee on 28.3.2025 for a period of three years mainly on the considerations that the proposed use was considered not incompatible with the surrounding areas; and no major adverse departmental comments were received on the application and concerns of the relevant government departments could be addressed through imposition of approval conditions. While the applicant complied with the approval condition on submission of fire service installations (FSIs) proposal, the planning approval was subsequently revoked on 28.3.2026 due to

non-compliance with approval conditions in relation to submission and implementation of drainage proposal and implementation of FSIs proposal.

- 5.3 Regarding application No. A/DPA/NE-TKL/2 for insulation materials processing factory, the planning considerations are not applicable to the current application which is for a different use.
- 5.4 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 are 11 similar applications (No. A/NE-TKL/695, 721, 737, 757, 762, 768, 779, 784, 803, 812 and 831) involving eight sites for temporary warehouse for a period of three years with/without other uses falling 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 2026 mainly on the considerations that no major adverse departmental comments were received on the application and concerns of the relevant government departments could be addressed through imposition of approval conditions; policy support from the Secretary for Development was given to facilitate the relocation of the applicant’s business operation affected by government project (for applications No. A/NE-TKL/721 and 779 only); and the application generally complied with the Town Planning Board Guidelines No. 13G for Application for Open Storage and Port Backup Uses under Section 16 of the Town Planning Ordinance (for applications No. A/NE-TKL/695 and 831 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-4)

- 7.1 The Site is:
 - (a) currently hard-paved, fenced-off and vacant; and
 - (b) accessible via a local track to Ping Che Road.
- 7.2 The surrounding areas are of rural character comprising mainly storage/open storage yards, domestic structures and fallow/active agricultural land. There are a few graves located within a “Green Belt” zone to the east of the Site. (**Plan A-1**).

8. Planning Intention

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.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments 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 departments do 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. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

Environment

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

- (a) he is unable to lend support to the application from the environmental perspective since heavy vehicle is involved and residential dwelling is identified within 100m from the site boundary;
- (b) no environmental complaint against the Site was received in the past three years; and
- (c) his advisory comments are at **Appendix V**.

10. Public Comment Received During Statutory Publication Period

On 13.3.2026, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received objecting to the application mainly on the grounds that approval conditions under the previous planning approval were not complied with; and no concrete proposal has been made in relation to the approval conditions (**Appendix VI**).

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse for storage of construction materials with ancillary facilities for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning

assessments below, there is no objection to the proposed use on a temporary basis of three years.

- 11.2 The Site is located in an area of rural character comprising mainly storage/open storage yards, domestic structures and fallow/active agricultural land. 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 the proposed use is considered not entirely incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.3 DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and residential dwelling within 100m from the site boundary is identified. In this regard, the applicant states that he will strictly follow the 'COP' and comply with all the environmental protection/pollution control ordinances during construction and operation stages. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the 'COP' to minimise any potential environmental nuisance to the surroundings and relevant regulations to avoid causing nuisance to the nearby environment. While the Commissioner for Transport has no comment on the application, she recommends imposing approval conditions on the submission, implementation and maintenance of traffic management measures in consideration of road safety and road management. Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Site is the subject of a previous application No. A/NE-TKL/780 submitted by the same applicant for the same use as the current application, which was approved with conditions by the Committee on 28.3.2025 as mentioned in paragraph 5.2 above. The planning permission was subsequently revoked on 28.3.2026 due to non-compliance with the approval conditions in relation to submission and implementation of drainage proposal and implementation of FSIs proposal. Compared with the previously approved application No. A/NE-TKL/780, the current application involves changes in the layout and development parameters as detailed in paragraph 1.3 above, and the applicant explains that such changes are intended to meet the operational needs and fire safety requirement. Should the Committee decide to approve the application, the applicant will be advised that should the applicant fail to comply with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 11.5 There are 11 similar applications for temporary warehouse with/without other uses falling 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 2026 as mentioned in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the similar applications. Approval of the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comment on the application 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 comment 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 17.4.2029. 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 17.10.2026;
- (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 17.1.2027;
- (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 17.10.2026;
- (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 17.1.2027;
- (f) the submission of traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 17.10.2026;
- (g) in relation to (f) above, the implementation of the traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 17.1.2027;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (c) or (h) 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;
- (j) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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
- (k) 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 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 4.3.2026
Appendix Ia	FI received on 10.4.2026 and 13.4.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
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