

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/142

- Applicant** : Upper Shiny Investment Limited represented by One Northern Metropolis Development Limited
- Site** : Lot 350 RP (Part) in D.D. 78 and Lots 85 RP (Part), 86 RP (Part), 87 RP, 88 RP (Part), 90 (Part), 91 (Part), 92 (Part), 93, 94, 95, 97 RP and 144 RP (Part) in D.D. 80 and Adjoining Government Land (GL), Ta Kwu Ling North
- Site Area** : About 15,370m² (including GL of about 573m² or 3.7% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Food Industrial Park with Ancillary Facilities and Associated Diversion of Stream for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary food industrial park with ancillary facilities and associated diversion of stream for a period of three years at the application site (the Site) falling 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 and diversion of stream within the “REC” zone require planning permission from the Town Planning Board (the Board). The Site is currently largely covered with vegetation.
- 1.2 The Site is accessible via a local access road leading to Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises four one to two-storey structures with height of about 3m to 15m and a total floor area of about 8,702m² for food industrial centres, a guardhouse and a meter room. The remaining area will be used for accommodating 23 parking spaces, 32 loading and unloading (L/UL) bays, waiting and circulation spaces. The applicant also applies for diversion of stream at the Site¹. Any streamflow from upstream would be diverted to the proposed drainage system at the Site and discharged to the existing drainage channel to the south of the Site.

¹ Though the applicant advises that the watercourse at the Site has been dried up based on site investigation, according to the Agriculture, Fisheries and Conservation Department, there is a minor watercourse with limited water traversing the middle of the Site from the north to south.

1.3 The major development parameters of the proposed use are summarised below:

Site Area	about 15,370m ² (including GL of about 573m ² or 3.7% of the Site)		
Site Coverage	about 31%		
Plot Ratio	about 0.57		
No. of Structures	4		
Total Floor Area	about 8,702m ²		
Proposed Use	Food Industrial Centre ⁽¹⁾	Guardhouse	Meter Room
- Floor Area (about)	4,984m ² (B1) 3,696m ² (B2)	4m ²	18m ²
No. of Storey(s)	2	1	
Building Height	about 15m	about 3m	
No. of Parking Spaces	<u>Total: 23</u> - 18 for private cars (2.5m (W) x 5m (L) each) - 3 for light goods vehicles (LGVs) (3.5m (W) x 7m (L) each) - 2 for container vehicles (3.5m (W) x 16m (L) each)		
No. of L/UL Bays	<u>Total: 32</u> - 20 for LGVs (3.5m (W) x 7m (L) each) - 12 for container vehicles (3.5m (W) x 16m (L) each)		

Remark:

⁽¹⁾ Ancillary office and washroom will be provided in Structures B1 and B2.

- 1.4 According to the applicant, cross-boundary fresh food (including vegetable, fruits, grains, eggs and meat) will be transported to the Site after inspection at the existing food control facilities (FCF) near Man Kam To Boundary Control Point (MKT BCP)². The proposed use will provide specialised storage and processing facilities with thermal and humidity control (including dry storage for grains, cold and chilled storage for fresh produce) to maintain the quality, safety, and hygiene for fresh food. The food will be properly stored at the Site and various food processing procedures, such as bulk-breaking, sorting, sanitising, washing, and packaging of fresh food will be carried out before distribution.
- 1.5 The operation hours of the proposed use are 24 hours daily, including public holidays³. A solid metal fencing with a height of about 2.5m will be erected along the boundary of the Site to minimise noise and visual nuisance to the surrounding area. No honking by vehicles will be allowed within the Site and along the local access leading to Lin Ma Hang Road. A septic tank and soakaway system is proposed to collect the sewage generated from the proposed use. The applicant proposes a 20m-wide ingress/egress at the northern boundary of the Site and reserves an area near the ingress/egress for widening of the local access to facilitate vehicle manoeuvring. Traffic management measures including deploying staff to direct vehicles entering/exiting the Site and installing traffic signs,

² The fresh food will be transported to the Site from the FCF near Heung Yuen Wai (HYW) BCP when it is in operation in future.

³ According to the applicant, the receipt and distribution of cross-boundary fresh food will mainly be conducted between 3:00 a.m. and 6:00 a.m. During the remaining operation hours, staff will station at the Site to work on various food processing procedures.

flashing lights and alarm system at the ingress/egress to manage traffic and ensure pedestrian safety are also proposed. No old and valuable tree has been identified within the Site and the existing vegetation at the Site will be removed. Surface drains with sand traps/catchpits are proposed to collect the cumulative run-off within the Site. The layout plan submitted by the applicant is shown in **Drawing A-1**. The applicant also submits a traffic impact assessment (TIA) and a drainage impact assessment (DIA) in support of the current application. The drainage proposal is shown in **Drawing A-2**.

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

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|-----|--|----------------------|
| (a) | Application Form received on 24.8.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 27.8.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 2.10.2026* | (Appendix Ib) |
| (d) | FI received on 7.10.2026* | (Appendix Ic) |
| (e) | FI received on 8.10.2026* | (Appendix Id) |
| (f) | FI received on 16.10.2026* | (Appendix Ie) |

**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, SI and FIs at **Appendices I to Ie**, as summarised below:

- (a) the proposed use is intended to meet the demand for a proper large-scale site to handle the import of cross-boundary fresh food for the daily consumption in Hong Kong. The proposed use allows a more efficient supply chain and facilitates the cross-boundary flow of goods from production areas to urban markets, playing a vital role in ensuring a steady and reliable supply of high-quality food to the local populations;
- (b) relevant measures include the usage of renewable energy and new technologies for the daily operation, dust prevention and sound insulation will be explored to enhance the environmental, social and governance performance and promote technological development of the industry, which echo with the Chief Executive's 2022 Policy Address on the promotion of upgrading and transformation, modernisation and sustainable development of the industry. It will serve as a pilot scheme with a view to upgrading and modernising the food processing facilities in Hong Kong;
- (c) with reference to the Government's Northern Metropolis Action Agenda published in October 2023, land near HYW BCP will be reserved for relocating the existing FCF at MKT BCP. The Site is at a strategic location in proximity to the existing FCF in MKT and the planned FCF near HYW BCP. The proposed use at the Site will achieve a synergy effect with the latter. The imported fresh food can also be easily transported to local retailers via HYW Highway and the proposed use can achieve a synergy effect to the stable supply, food safety and quality of fresh food in Hong Kong;
- (d) the proposed use is located in a relatively remote area and is considered not incompatible with surrounding areas. Approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the "REC" zone and would better utilise land resources in the New Territories;
- (e) the proposed use is not anticipated to create significant nuisance to the surrounding areas. No shopfront and retailing activities will be provided and no visitor is anticipated. Surface drains with sand traps/catch pits are proposed to collect the run-off which will

connect to the proposed discharge point at the existing trapezoidal channel to the south of the Site. Technical assessments including TIA and DIA have demonstrated that adverse traffic and drainage impacts arising from the proposed use are not envisaged. The Site is not in close proximity to any ecologically important stream and sites of conservation importance. It is anticipated that the potential ecological impacts on the Site and its surroundings is low;

- (f) the applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) and will comply with all environmental protection/pollution control ordinances. The applicant will follow the good practices stated in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 2/24 ‘Construction Site Drainage’ to minimise the potential impact on nearby watercourses, and ProPECC PN 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department - Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations’ when designing and providing on-site drainage system. Also, the applicant will submit a fire service installations proposal to enhance fire safety of the proposed use upon obtaining planning approval;
- (g) the applicant will submit applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD) for erection of the proposed structures and the occupation of GL at the Site respectively upon obtaining planning approval; and
- (h) the applicant will comply with relevant ordinances and regulations, and obtain relevant licence(s) before commencing operation of the proposed use.

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 publishing newspaper notice and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the ‘Owner’s Consent/Notification’ Requirements under TPB PG-No. 31B are not applicable.

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 Application

There is no similar application within the same “REC” zone in the vicinity of the Site in the past five years.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

7.1 The Site is:

- (a) currently largely covered with vegetation and traversed by a minor watercourse from the north to south;
- (b) accessible via a local access road leading to Lin Ma Hang Road.

7.2 The surrounding areas are of rural character comprising mainly vacant land covered with vegetation and graves. A drainage channel is located to the south of the Site. The village clusters of Ha Heung Yuen and Tsung Yuen Ha are located to the further southeast (about 160m away) and further southwest (about 200m away) of the Site respectively. HYW BCP is located to the further west of the Site (**Plan A-1**).

8. Planning Intention

- 8.1 The planning intention of the “REC” zone is primarily for low-density 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 low-density recreational developments may be permitted subject to planning permission.
- 8.2 According to the Explanatory Statement of the OZP, as diversion of streams within the “REC” zone may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau and 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 the recommended advisory clauses are provided at **Appendices II** and **III** respectively.
- 9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the Secretary for Environment and Ecology (SEE):

food-related business activities (including wholesale, processing and trading) near HYW area could capitalise on the advantages of BCP and achieve synergy, thereby promoting the development of the food industry. He supports the application for planning permission.

- 9.3 The following government department provides views on the application:

Traffic

9.3.1 Comments of the Commissioner for Transport (C for T):

- (a) she has no comment on the application;

- (b) taking into consideration the location of the Site, the existing adjacent developments and traffic conditions on Lin Ma Hang Road, should the application be approved, approval conditions on submission and implementation of traffic improvement works and management measures before the commencement of any operation should be included. Also, the implemented traffic improvement works and management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix III**.

10. Public Comments Received During Statutory Publication Period

On 1.9.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix IV**). Two comments from the Ta Kwu Ling District Rural Committee and an individual objects to the application mainly on the grounds that the proposed use would affect the access and cause inconvenience to villagers of HYW; existing road should be widened and sewerage and drainage facilities should be provided to cope with development in the BCP area; the Site does not fall within Category 2 areas under relevant Town Planning Board Guidelines; and details on the proposed diversion of stream and the impact on local ecology should be provided. A comment from Kadoorie Farm & Botanic Garden Corporation suggests that clarifications should be sought in respect to the proposed diversion of stream, including its location, whether it has been assessed in DIA, and any impacts on HYW stream, and to consider imposition of reinstatement clause upon expiry of the planning permission. 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 food industrial park with ancillary facilities and associated diversion of stream for a period of three years at the Site falling within an area zoned “REC” on the OZP. While the proposed use is not in line with the planning intention of the “REC” zone, there is no known proposal for recreational development at the Site. According to the applicant, the Site is located at a strategic location in proximity to the existing FCF in MKT and the planned FCF near HYW BCP for handling cross-boundary food. After inspection at the FCF, the food will be transported to the Site for storage and processing before distribution, and the proposed use will provide specialised storage and processing facilities to maintain the quality, safety and hygiene for the food. SEE supports the application, considering that food-related business activities near HYW area could capitalise on the advantages of BCP and achieve synergy, thereby promoting the development of the food industry. Taking into account the planning assessments below and SEE’s support, there is no objection to the proposed use and associated diversion of stream on a temporary basis of three years.
- 11.2 Given that there is a minor watercourse running across the Site from the north to south, the application involves diversion of stream at the Site. Diversion of streams within the “REC” zone requires planning permission from the Board as it may cause adverse drainage impacts on the adjacent areas and adverse impacts on the natural environment. The applicant proposes surface drains with sand traps/catchpits within the Site to collect cumulative run-off, which will be discharged to the existing drainage channel to the south of the Site. The Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective. Noting that there is limited

water in the watercourse, the Director of Agriculture, Fisheries and Conservation has no strong view on the application from natural conservation perspective. Should the applicant be approved, the applicant will be advised to implement good site practices and measures to avoid adverse impacts on the nearby environment.

- 11.3 The proposed use involving storage and processing of food is considered not incompatible with the surrounding area, which is of rural character comprising mainly vacant land and graves. A drainage channel is located to the south of the Site. The village clusters of Ha Heung Yuen and Tsung Yuen Ha are located to the further southeast (about 160m away) and further southwest (about 200m away) of the Site respectively, and HYW BCP is located to the further west of the Site. Though the Site is covered with vegetation, according to the applicant, no old and valuable tree has been identified within the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that the proposed use is not entirely incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Environmental Protection and Director of Fire Services have no objection to or no adverse comment on the application. C for T has no comment on the application and recommends imposing approval conditions on submission, implementation and maintenance of traffic improvement works and management measures, taking into consideration the location of the Site, the existing adjacent developments and traffic conditions on Lin Ma Hang Road. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the 'COP' to minimise any possible environmental nuisance.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10 above, comments from the government bureau and departments 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 23.10.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage impact assessment 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 23.4.2027;
- (b) in relation to (a) above, the implementation of the drainage facilities identified in the drainage impact assessment 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 23.7.2027;

- (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 23.4.2027;
- (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 23.7.2027;
- (f) the submission of traffic improvement works and management measures before the commencement of any operation to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (g) in relation to (f) above, the implementation of the traffic improvement works and management measures before the commencement of any operation to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (h) in relation to (g) above, the implemented traffic improvement works and 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 (f) or (g) is not complied with before the commencement of any operation, 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) 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.

Advisory Clauses

The recommended advisory clauses are at **Appendix III**.

- 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 diversion of stream is not in line with the planning intention of the "REC" zone which is primarily for low-density recreational developments for the use of the general public. 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 24.8.2026
Appendix Ia	SI received on 27.8.2026
Appendix Ib	FI received on 2.10.2026
Appendix Ic	FI received on 7.10.2026
Appendix Id	FI received on 8.10.2026
Appendix Ie	FI received on 16.10.2026
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**