

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/852

<u>Applicant</u>	: Power Up (China) Logistics Limited represented by Lawson David & Sung Surveyors Limited
<u>Site</u>	: Various Lots in D.D. 84, Ping Che
<u>Site Area</u>	: About 3,726m 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>	: Temporary Warehouse for Storage of Construction Materials and Electronic Products with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of construction materials and electronic products with ancillary facilities 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 the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and being used as the applied use without valid planning permission.
- 1.2 According to the applicant, the current application is to facilitate the relocation of the business operation in Yuen Long affected by government project, i.e. the development of Yuen Long South New Development Area (YLS NDA). The affected site has been resumed by the Government in 2022.
- 1.3 The Site is accessible via a local access road leading to Ping Che Road (**Plan A-2**). According to the applicant, the applied use involves four one to two-storey structures of 2.5m to 12m in height with a total floor area of about 2,696m² for warehouse for storage of construction materials (PVC pipes, tiles, sanitary wares, etc.) and electronic products (tablets, mobile phones, computers, etc.), site office, washroom, fire service pump room and meter room. No dangerous goods will be stored at the Site and no open storage or workshop activities will be carried out at the Site. Three parking spaces for private cars

(2.5m (W) x 5m (L) each), one loading/unloading (L/UL) space for light goods vehicle (3.5m (W) x 7m (L)), one L/UL space for medium goods vehicle (3.5m (W) x 11m (L)) and one L/UL space for container vehicle (3.5m (W) x 16m (L)) are provided at the Site. An 8m-wide ingress/egress is located at the northern boundary of the Site.

- 1.4 The applicant also applies for regularisation of filling of land at the entire Site with soil and concrete on top of about 0.2m to 0.8m in depth for site formation, parking, L/UL and vehicle manoeuvring purposes (i.e. the current site level is +10mPD). No further filling of land will be carried out at the Site. The applicant undertakes to provide various mitigation measures, including maintaining the existing 2.5m tall corrugated metal fencing, restricting operational hours as well as trips of goods vehicles to minimise the possible environmental nuisance. The applicant proposes traffic management measures including requiring prior appointment for entry of goods vehicles and all goods vehicles to leave the Site after L/UL activities, deploying on-site staff to manage traffic flow and installing revolving warning lights at the site entrance for pedestrian safety. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively. The applicant has also submitted photos of the existing drainage facilities, an as-built drainage plan and the accepted fire service installations (FSIs) proposal in support of the application, the latter two of which are shown in **Drawings A-3** and **A-4** respectively.
- 1.5 The Site is the subject of six previous applications (No. A/NE-TKL/244, 257, 262, 306, 721 and 779), with the last two submitted by the same applicant for the same use as the current application. Details of the previous applications are set out in paragraph 5 below. The last application No. A/NE-TKL/779 was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 22.11.2024. The planning approval was subsequently revoked on 22.8.2026 due to non-compliance with an approval condition. Compared with the last approved application No. A/NE-TKL/779, the layout and development parameters under the current application are largely the same except for a smaller site area (-147m^2 / -3.8%) to exclude Government land (GL), a slightly larger total floor area ($+28\text{m}^2$ / $+1.0\%$) and reduction of a structure to be erected.
- 1.6 In support of the application, the applicant has submitted the following documents:
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| (a) Application Form with Attachments received on 25.8.2026 | (Appendix I) |
| (b) Further Information (FI) received on 23.9.2026* | (Appendix Ia) |
| (c) FI received on 8.10.2026* | (Appendix Ib) |
| (d) FI received on 15.10.2026* | (Appendix Ic) |
- * 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 FIs at **Appendices I to Ic**, as summarised below:

- (a) the applied use and the development parameters are the same as the previously approved application No. A/NE-TKL/779 which was to facilitate relocation of the applicant's business operation in Yuen Long affected by YLS NDA. The applied use provides a temporary solution to meet the pressing market demand of warehouse facilities in northern New Territories which in turn helps support the export industry in Hong Kong;

- (b) the applied use is considered not incompatible with the surrounding areas occupied by open storage yards, warehouses and temporary structures. Besides, there are similar planning approvals in the vicinity of the Site. The applied use is considered not incompatible with other developments/facilities in the adjacent areas, approval of the application would not result in any interface problems with the surrounding areas and will optimise land utilisation;
- (c) the applicant complied with the approval conditions on submission of a condition record of the existing drainage facilities and FSIs proposal, and implementation of traffic management and environmental mitigation measures under the last planning application No. A/NE-TKL/779. For the approval condition on implementation of the FSIs proposal, while the FSIs and the proposed water mains connection works have been completed, issuance of relevant document by the Water Services Department for FSIs acceptance inspection by the Fire Services Department is still pending. As such, the approval condition could not be complied with by the specified time limit. In the current application, the applicant undertakes to comply with all approval conditions upon obtaining planning approval;
- (d) no adverse traffic, environmental, drainage and landscape impacts on the surrounding areas arising from the applied use are anticipated. The applicant will maintain the existing drainage facilities on Site. Also, the applicant will follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimise possible environmental nuisance; and
- (e) the applicant will apply to the Lands Department (LandsD) for modification of the Short Term Waiver (STW). Also, the applicant will liaise closely with LandsD regarding the demolition of structures and a portion of land within the Site affected by Government works.

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 notices in local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

Recent site inspection revealed that there was storage use at the Site. Warning letter was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement action if there is sufficient evidence to prove that there is an "unauthorized development" under the Town Planning Ordinance.

5. Previous Applications

- 5.1 The Site is the subject of six previous applications (No. A/NE-TKL/244, 257, 262, 306, 721 and 779). The last two applications No. A/NE-TKL/721 and 779, which were submitted by the same applicant for the same use as the current application, were approved with conditions by the Committee on 19.5.2023 and 22.11.2024 for a period of three years respectively mainly on the considerations that no major adverse departmental

comments were received on the application or concerns of relevant government departments could be addressed through imposition of approval conditions; and policy support from the Secretary for Development (SDEV) was given to facilitate the relocation of the applicant's business operation affected by government project. Their planning permissions were subsequently revoked on 19.11.2024 and 22.8.2026 respectively due to non-compliance with approval conditions. For the last approved application No. A/NE-TKL/779, while the applicant complied with the approval conditions on submission of a condition record of the existing drainage facilities and FSIs proposal and implementation of traffic management and environmental mitigation measures, the approval condition in relation to the implementation of FSIs proposal was not complied with.

- 5.2 Regarding the remaining applications (No. A/NE-TKL/244, 257, 262 and 306) for various temporary open storage uses and recycling facilities for electronic appliances, the planning considerations are not applicable to the current application which is for a different use.
- 5.3 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 12 similar applications (No. A/NE-TKL/695, 737, 757, 762, 768, 780, 784, 803, 812, 831, 835 and 846) involving nine 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 or concerns of the relevant government departments could be addressed through imposition of approval conditions; policy support from SDEV was given to facilitate the relocation of the applicant's business operation affected by government project (for application No. A/NE-TKL/846 only); and the application generally complied with the Town Planning Board Guidelines No. 13F/G for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (for applications No. A/NE-TKL/695, 831 and 846 only).
- 6.2 Application No. A/NE-TKL/854 for temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years falling within the same "AGR" zone in the vicinity of the Site will be considered at this meeting (**Plan A-1**).
- 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 to A-4b)**

- 7.1 The Site is:
 - (a) currently hard-paved, fenced-off and being used as the applied use without valid planning permission; and
 - (b) accessible via a local access road leading to Ping Che Road.

- 7.2 The surrounding areas are of rural character comprising mainly warehouses, open storage yards, storage uses, domestic structures and vacant land. Ping Yuen River is located to the west of the Site.

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 Bureau/Departments

- 9.1 Apart from the government bureau and departments as set out in paragraphs 9.2 to 9.4 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 IV** and **V** respectively.
- 9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of brownfield operation which is affected by the First Phase development of YLS NDA;
- (b) it is noted that the current application is a subsequent case of application No. A/NE-TKL/779 submitted by the same applicant at the same location for the same use, with a smaller site area; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, her policy support on the previous application No. A/NE-TKL/779 is still valid and is applicable to the current application.

- 9.3 The following government departments object to or do not support the application:

Land Administration

9.3.1 Comments of the District Lands Officer/North (DLO/N), LandsD:

- (a) he objects to the application;
- (b) the Site comprises several Old Schedule Agricultural Lots held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government. According to the planning application, the proposed

vehicular access (ingress/egress) requires to pass through both GL and private land. There is no right of access via the GL granted to the Site. Besides, for the access via private land, the applicant has to make his own arrangement;

- (c) the private lots are covered by STW Nos. 1676 and 1677 both for the purpose of warehouse and ancillary facilities;
- (d) the following irregularities covered by the planning application have been detected by his office:

unauthorised structures within the said private lots covered by the planning application

there are unauthorised structures on the private lots resulting in excessive built-over areas (BOA) of the STWs. LandsD objects to the planning application since regularisation of the excessive BOA via modification of STW conditions of the subject case, in which a portion of the Site (i.e. Lot 4 S.B in D.D. 84) is affected by the project, namely “PWP Item No. 4173CD Drainage Improvement Works in Ta Kwu Ling - Ancillary Road Works” and the relevant pre-clearance survey has been conducted, would not be considered according to the prevailing land policy. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) the lot owners/applicant should demonstrate that the lease breaches/irregularities found within the lots have been duly rectified; and
- (f) his advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

9.3.2 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 generally occupied by a structure. There are some agricultural activities 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 greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation;

Nature Conservation

- (c) he has no comment on the application from nature conservation perspective; and
- (d) his advisory comments are at **Appendix V**.

9.4 The following government department provides views on the application:

Traffic

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

- (a) she has no comment on the application from traffic engineering viewpoint noting that the development parameters of the current application remain generally unchanged from the last approved application (previous application No. A/NE-TKL/779);
- (b) having reviewed the site location and the existing traffic conditions of Ping Che Road, the approval conditions relating to the implementation and maintenance of traffic management measures, as proposed by the applicant, under the previous planning approval shall be maintained; and
- (c) her advisory comments are at **Appendix V**.

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 VI**). Three comments from the Ta Kwu Ling District Rural Committee and two individuals object to the application mainly on the grounds that the applied use would cause adverse impacts on drainage, environmental, traffic and pedestrian safety taking into account its close proximity to Ping Yuen River and the narrow local access road leading to the Site; and there is repeated failure to comply with the approval conditions under the previous planning 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 temporary warehouse for storage of construction materials and electronic products with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. According to the applicant, the Site is for relocation of the business operation affected by YLS NDA. In this regard, SDEV advises that the application is to facilitate the relocation of a brownfield operation affected by the First Phase of YLS NDA, and subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, there is no objection to the applied 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 entire Site with soil and concrete on top of about 0.2m to 0.8m in depth for site formation, parking, L/UL and vehicle manoeuvring purposes. Filling of land within “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 (CE/MN, DSD) and Director of Environmental Protection have no objection to the application from drainage maintenance 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, domestic structures and vacant 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 considers that the applied 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 Fire Services (D of FS) have no objection to or no adverse comment on the application. While C for T has no comment on the application, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures as proposed by the applicant, having reviewed the site location and the existing traffic conditions of Ping Che Road. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. 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 possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 11.5 The Site is the subject of two previously approved applications (No. A/NE-TKL/721 and 779) submitted by the same applicant for the same use as the current application, for which the planning permissions were revoked on 19.11.2024 and 22.8.2026 respectively due to non-compliance with approval conditions as detailed in paragraph 5.1 above. For the last application No. A/NE-TKL/779, the applicant explains that while the FSIs have been completed, since issuance of relevant government document is still pending, approval condition on implementation of FSIs could not be complied with by the specified time limit, resulting in revocation of the planning approval. In support of the current application, the applicant has submitted photos of the existing drainage facilities, an as-built drainage plan and an FSIs proposal, and CE/MN, DSD and D of FS consider that the relevant submissions are acceptable. The applicant also undertakes to comply with the approval conditions upon approval of the current application. In view of the above, and noting that there is no major change in planning circumstances since the approval of the previous application, sympathetic consideration could be given to the application. Nevertheless, since the last two approvals were revoked due to non-compliance with the approval conditions, 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 the revocation of the planning permission, sympathetic consideration shall not be given to any further application.
- 11.6 There are 12 approved similar applications for temporary warehouse falling within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as detailed in paragraph 10 above, comments from the government bureau/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 existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the implementation of the accepted 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;
- (c) 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 23.7.2027;
- (d) in relation to (c) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (e) if any of the above planning condition (a) or (d) 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;
- (f) if any of the above planning condition (b) or (c) 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
- (g) 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 applied 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 25.8.2026
Appendix Ia	FI received on 23.9.2026
Appendix Ib	FI received on 8.10.2026
Appendix Ic	FI received on 15.10.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	As-Built Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos