

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/854

<u>Applicant</u>	: New Times Capital (Hong Kong) Limited represented by R-riches Planning Limited
<u>Site</u>	: Lots 1355 (Part) and 1357 (Part) in D.D. 82 and Adjoining Government Land (GL), Ping Che, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 569m ² (including GL of about 279m ² or about 49% of the Site)
<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 (Excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) 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 generally hard-paved, fenced-off and occupied by a vacant structure, and is partly covered by a valid planning permission under application No. A/NE-TKL/803 (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from a local track leading to Ping Che Road (**Plan A-2**). According to the submission, the proposed use consists of a single-storey structure with a total floor area of about 203m² and building height (BH) of about 8m for warehouse (for storage of miscellaneous goods). One private car parking space (5m (L) x 2.5m (W)) and one loading/unloading (L/UL) space for light goods vehicle (LGV) (7m (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. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 According to the applicant, a 9m-wide ingress/egress is proposed at the south of the Site and sufficient space will be provided within the Site for the manoeuvring of vehicles. A

swept path analysis for LGV has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ia** and **Ib**), advance booking of parking and L/UL spaces will be required to prevent illegal parking; traffic signs will be provided at the Site to ensure pedestrian safety; and on-site staff will be deployed at the ingress/egress to manage the traffic flow during operation hours.

- 1.4 The applicant also applies for regularisation of filling of land¹ of the entire site with concrete by not more than 0.2m in depth² for site formation purpose (**Drawing A-2**). No further land filling will be carried out at the Site. A drainage proposal (**Drawing A-3**), with the existing 375mm channels located within the Site, has been submitted by the applicant in support of the application. The intercepted stormwater shall discharge to Ping Yuen River to the west of the Site. In addition, a fire service installations (FSIs) proposal (**Drawing A-4**) has also been submitted in support of the application.
- 1.5 The Site is the subject of five previous applications including the last application No. A/NE-TKL/803 (**Plans A-1** and **A-2**) submitted by the same applicant for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 1.8.2025 with validity up to 1.8.2028 (as detailed in paragraph 5.3 below). Compared with the previous application, the current application mainly involves larger site area, with no change in total floor area. A comparison of the major development parameters for the current and the last application is summarised as follows:

Major Development Parameters	Approved Scheme under Application No. A/NE-TKL/803 (a)	Proposed Scheme under Current Application (b)	Differences (b) – (a)
Site Area (about)	252m ²	569m ²	+317m ² (+125.8%)
No. of Structure	1 for warehouse	1 for warehouse	No change
Maximum Floor Area	203m ²	203m ²	No change
Maximum BH	8m	8m	No change
Area of Land Filling	252m ²	569m ²	+317m ² (+125.8%)
No. of Parking and/or L/UL Space	1 for LGV	1 for private car and 1 for LGV	+1 private car

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

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|-----|--|----------------------|
| (a) | Application Form received on 28.8.2026 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Further Information (FI) received on 14.10.2026* | (Appendix Ib) |

* *accepted and exempted from publication and recounting requirements*

¹ According to record, the regularisation of land filling of about 252m² (about 44.3% of the Site) with concrete by not more than 0.2m in depth at the Site was approved with conditions by the Committee under application No. A/NE-TKL/803.

² According to the applicant, the existing ground level would be +9.4mPD.

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 FI at **Appendices I to Ib**, as summarised below:

- (a) the proposed use could meet the industry's pressing demand for land for storage of miscellaneous goods (including packaged food, apparel, footwear, electronic goods, furniture etc.);
- (b) the Site is the subject of a previously approved application (No. A/NE-TKL/803) submitted by the same applicant for the same use. There is no significant change in planning circumstances in the surrounding areas since the previous application was approved by the Committee. The additional site area could enable to relocate vehicle manoeuvring and circulation space outside the enclosed structure, thereby optimizing overall site efficiency and operational flow. Approval of the application is in line with the Committee's previous decision and will not set an undesirable precedent. Furthermore, the applicant has complied with all the submission-related approval conditions during the planning approval period under the previous application, including drainage and fire safety requirements;
- (c) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where warehouses and open storage yards are commonly found in the surrounding areas. There are similar precedent cases approved by the Committee in the same "AGR" zone;
- (d) there are no active agricultural activities at the Site. The proposed use is temporary in nature and approval of the application would not jeopardise the long-term planning intention of the "AGR" zone;
- (e) the application only involves an additional uncovered area for circulation space, and there are no changes to the major development parameters and business operation as compared to the previous application. No significant adverse impacts in terms of environmental, traffic, drainage, fire safety etc. are anticipated. The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') issued by the Environmental Protection Department; and
- (f) the applicant will liaise with the Lands Department (LandsD) on the land administration matters should the Committee approve the application.

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 notices 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. For the GL portion, the "Owner's Consent/Notification" requirements are not applicable.

4. Background

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

5. Previous Applications

- 5.1 The Site is the subject of five previous applications (No. A/NE-TKL/244, 257, 262, 338 and 803) for various temporary uses.
- 5.2 Four applications No. A/NE-TKL/244, 257, 262 and 338 for temporary open storage/recycling facilities for electronic appliances submitted by different applicants were rejected by the Committee/the Board on review between 2003 and 2010. The planning considerations are not relevant to the current application which is for a different use.
- 5.3 The remaining application No. A/NE-TKL/803 submitted by the same applicant as the current application for the same use was approved with conditions by the Committee on 1.8.2025 with validity up to 1.8.2028, mainly on the considerations that there were no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses. Compared with the previous application, the current application mainly involves a larger site area and revisions to the number and types of parking and L/UL spaces as detailed in paragraph 1.5 above.
- 5.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.

6. Similar Applications

- 6.1 There are 13 similar applications (No. A/NE-TKL/695, 721, 737, 757, 762, 768, 779, 780, 784, 812, 831, 835 and 846)³ for temporary warehouse use with or without associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). All of them were approved with conditions by the Committee between 2022 and 2026 mainly on the considerations that there were no major adverse departmental comments received on the application; the application was to facilitate the relocation of business operations affected by government projects and the Secretary for Development had rendered policy support to the application (for applications No. A/NE-TKL/721, 779 and 846 only); and the application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) (for applications No. A/NE-TKL/695, 831 and 846 only).
- 6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.3 There is another similar application (No. A/NE-TKL/852) for temporary warehouse of construction materials and electronic products and associated filling of land for a period of three years, located to the immediate south within the same “AGR” zone (**Plan A-1**), which will be considered by the Committee at this meeting.

³ The planning permissions under applications No. A/NE-TKL/695, 721, 737, 757, 762, 768, 779 and 780 were revoked on 18.9.2023, 19.11.2024, 11.6.2025, 21.3.2026, 2.5.2026, 10.7.2026, 22.8.2026 and 28.3.2026 respectively, due to non-compliance with approval conditions relating to the submission and/or implementation of drainage proposal, FSIs proposal, run-in/out proposal, traffic management measures, and/or environmental mitigation measures.

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

7.1 The Site is:

- (a) generally hard-paved, fenced-off and occupied by a vacant temporary structure, and is partly covered by a valid planning permission under application No. A/NE-TKL/803; and
- (b) accessible from a local track leading to Ping Che Road (**Plan A-2**).

7.2 The surrounding areas are of rural character mainly comprising warehouses, open storage yards, temporary structures, vegetated areas and tree clusters. There are a number of warehouses/open storage yards with valid planning permissions in the surrounding area. To the north across the local track are two sites with valid planning permissions under applications No. A/NE-TKL/821 and 842 for temporary open storage yards.

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 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 departments 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 IV** and **V** respectively.
- 9.2 The following government departments do not support or have adverse comments on the application.

Land Administration

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

- (a) he has adverse comments on the application;
- (b) the Site comprises old schedule agricultural lots of Lots 1355 (Part) and 1367 (Part) in D.D. 82 and adjoining GL. The private lots are under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed vehicle access (ingress/egress) requires to pass through both GL and private land. Please be advised that there is no right of access via GL granted to the Site. Besides, the access via private land, the applicant has to make his/her own arrangement;

- (c) Lot 1355 in D.D. 82 within the Site is covered by a Short Term Waiver (STW) dated 3.2.2026 for warehouse (excluding dangerous goods godown) and ancillary facilities. The term of STW is 6 months commencing on 2.8.2026 and thereafter quarterly. The total built-over area and height of the building(s) or structure(s) erected or to be erected on the said private lot shall not exceed 203m² and 1 storey respectively;
- (d) the following irregularity covered by the application has been detected by his office:

Unlawful occupation of GL covered by the application

the GL within the Site (about 279m²) has been fenced off and illegally occupied without permission. Any occupation of GL without the Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of the GL without further notice; and

- (e) his other advisory comments are at **Appendix V**.

Agriculture

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

- (a) as the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and
- (b) the Site falls within the "AGR" zone and is generally vacant with some structures. 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.

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 adverse comment on the application from traffic engineering perspective;
- (b) after taking into consideration the road safety and road management at Ping Che and Ta Kwu Ling area, should the application be approved, conditions should be imposed requesting the applicant to implement the proposed traffic management measures, and to maintain the implemented traffic management measures at all times during the planning approval period; and
- (c) her other advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 4.9.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Amongst them, Ta Kwu Ling District Rural Committee and two individuals object to the application mainly on the grounds that the proposed use would cause adverse traffic and drainage impacts, pose risks to pedestrian safety and induce environmental nuisance to nearby residents; and involve vegetation clearance at the Site. 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 (excluding dangerous goods godown) and associated filling of land for a period of three years at the Site which is zoned “AGR” on the OZP (**Plan A-1**). The proposed 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 possess potential for agricultural rehabilitation. Nevertheless, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.
- 11.2 The applicant applies for regularisation of land filling of the entire site with a depth of not more than 0.2m for site formation purpose (**Drawing A-2**). 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 Service Department has no objection to the application from the public drainage viewpoint and the Director of Environmental Protection has no comment on the regularisation of land filling from environmental planning perspective. As the Site is zoned “AGR”, an approval condition requiring 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, accessible from a local track leading to Ping Che Road, is located in an area of rural character mainly comprising warehouses, open storage yards, temporary structures, vegetated areas and tree clusters (**Plans A-2 and A-3**). The proposed use is considered not incompatible with the surrounding land uses. 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 significant adverse impact arising from the proposed use is not anticipated.
- 11.4 While C for T has no adverse comment on the application from traffic engineering perspective, in view of the road safety and road management at Ping Che and Ta Kwu Ling area, it is recommended to impose approval conditions on the implementation and maintenance of the traffic management measures. Other relevant government departments consulted, including the Director of Fire Services, 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 be advised to follow the requirements in the ‘COP’ and implement the relevant mitigation measures to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the illegal occupation

of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 The Site is the subject of a previously approved application (No. A/NE-TKL/803) (**Plans A-1 and A-2**) submitted by the same applicant as the current application for the same use as detailed in paragraph 5.3 above. The current application only involves a larger site area for vehicle manoeuvring and circulation space to optimise overall site efficiency and operational flow. In addition, there are 13 similar applications covering eight sites for temporary warehouses within the same “AGR” zone in the vicinity of the Site (**Plan A-1**) which were all approved with conditions by the Committee as mentioned in paragraph 6.1 above. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments mentioned 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 23.10.2029. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised 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 23.4.2027;
- (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 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 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;
- (e) 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;
- (f) in relation to (e) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (g) if any of the above planning condition ~~(b)~~ (c) or (f) 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;

- (h) if any of the above planning condition (a), ~~(c)~~ **(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
- (i) upon the expiry of the planning permission, the reinstatement of the Site, including removal of fill materials and hard paving, and grassing 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 Member's 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 received on 28.8.2026
Appendix Ia	SPS
Appendix Ib	FI received on 14.10.2026
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	Existing 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 and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**