

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/220

- Applicant** : Hong Kong Chilled Meat and Poultry Association (HKCMPA) represented by Aikon Development Consultancy Limited
- Site** : Lots 471 S.B RP (Part), 472, 473, 474, 475, 476, 483, 501, 502, 504 S.B, 505 and 506 S.B RP in D.D. 89 and Adjoining Government Land (GL), Man Kam To Road, Sha Ling, New Territories
- Site Area** : About 16,060m² (Includes GL of about 1,869m², or about 12% of the Site)
- Land Lease** : Block Government Lease (demised for agricultural use) (about 88% of the Site)
- Plans** : - Approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16 (at the time of submission)
- Draft Fu Tei Au and Sha Ling OZP No. S/NE-FTA/17 (currently in force)
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Cold Storage for Poultry and Distribution Centre (CSDC) for a Period of Three Years with Filling of Land for Site Formation Works

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary CSDC for a period of three years with filling of land for site formation works at the application site (the Site), which falls within an area zoned “AGR” on the OZP. According to the Notes of the OZP for the “AGR” zone, temporary use or development of any land or buildings not exceeding a period of three years, and filling of land require planning permission from the Town Planning Board (the Board). The Site is currently vacant and largely covered with vegetation and tree groups, and there is an existing watercourse traversing the Site from northeast to southwest (**Plan A-2**). It is the subject of a previously approved application (No. A/NE-FTA/201) submitted by the same applicant for the same use (as detailed in paragraph 5). The current submission proposes amendments to an approved application to reflect the adoption of modern technology in the CSDC (as detailed in paragraph 2(b)) and to take into account the land ownership constraints encountered during the implementation stage.
- 1.2 According to the applicant, the Site will be used for temporary storage of chilled meat and poultry imported from Mainland China. The proposed development would provide a temporary centralized CSDC to cater for the need of the territory. Chilled poultrys imported from Mainland China will be unloaded at the Site for temporary storage before

delivering to different places in Hong Kong for consumption. No trading and food manufacturing activities will be carried out at the Site.

- 1.3 The proposal consists of (i) one 2-storey temporary main structure with a building height (BH) of not more than 20.675m and a floor area of about 10,509m² mainly for CSDC and ancillary site office use; (ii) four single-storey plant/transformer rooms with a BH of about 4m each and a floor area of about 1,088m²; and (iii) one single-storey guard house with a BH of about 3m and a floor area of about 18m², mainly constructed on an elevated platform¹ to avoid encroachment onto the existing watercourse within the Site (**Drawings A-1 to A-4**). A 2.5m metal mesh will be erected along the southwestern to northeastern and southern boundaries of the Site for security purpose² (**Drawing A-1**). The total floor area of the proposed development is about 11,615m². Vehicular ingress and egress points of about 10m and 14m respectively are proposed in the western part of the Site along Lo Wu Station Road (**Drawing A-1**). Two internal roads leading to the designated loading/unloading (L/UL) areas in the southwestern and middle parts of the main CSDC block are proposed. A total of nine parking spaces (i.e. seven private car parking spaces and two motorcycle parking spaces) and 30 L/UL bays (i.e. 22 L/UL bays for heavy goods vehicles (HGVs) and eight L/UL bays for container vehicles) are proposed within the Site. A footpath of about 5m wide is provided along the northeastern boundary of the Site to serve the local residents of Sha Ling. The proposed development will be operating 24 hours a day, 7 days per week on a year-round basis. The main operating hours will be from 9:00 a.m. to 8:00 p.m. and 11:00 p.m. to 3:00 a.m.
- 1.4 To allow clearing and maintenance of the existing watercourse, about 1.2m vertical gap will be provided between the proposed ground level and the structures. The Site is generally flat with ground levels varying from +4.50mPD to +6.4mPD in the southwestern and northeast portions respectively. As such, filling of about 4,071m² of the Site (about 25.3% of the Site) with compact fill by not more than 1.5m in depth is required prior to construction of the decked platform (**Drawing A-4**). According to the applicant, the proposed land filling works, during both construction and operation stages, would not induce any negative disturbances to the existing watercourse. The Master Layout Plan (MLP), floor plans, section plan, Landscape Master Plan (LMP) and relevant landscape section plans, details of the vertical green wall, photo records of the repurposed footpath, the proposed drainage layout plan submitted by the applicant are shown in **Drawings A-1 to A-14**.
- 1.5 Compared with the previously approved application, the current application has a reduced site area from 20,506m² to 16,060m² (i.e. -4,446m², -21.6%) due to difficulties in obtaining owners' consent for certain lots in the southeast of the Site; refined layout with increase in number of blocks from 4 to 6; maximum BH increased from 10.4m to 20.675m to accommodate intelligent logistic transport equipment which requires a higher headroom space; and reduced GFA and number of parking spaces and L/UL bays. Comparison of the major development parameters between the current and the previously approved applications are tabulated below:

¹ Details of the elevated platform will be reviewed at detailed design stage.

² The fencing boundary will be further reviewed with neighbouring land owners at later stage should minor modifications be deemed necessary.

Major Development Parameters	Previously Approved Application (A/NE-FTA/201) (a)	Current Application (A/NE-FTA/220) (b)	Difference (b)-(a)
Site Area (about)	20,506m ²	16,060m ²	-4,446m ² (-21.6%)
No. of Structures	4	6	+ 2 <i>(mainly due to the increase in the number of plant/transformer rooms)</i>
Total Floor Area (about)	12,736m ²	11,615m ²	- 1,121m ² (-9%)
BH (m)	3 to 10.4	3 to 20.675	+10.275m (+98%) <i>(due to adoption of smart logistic operation system)</i>
Site Formation (about)			
• Filling of land	5,810m ² (28.3%)	4,071m ² (25.3%)	- 1,739m ² (-3%)
• Deck over area	6,890m ² (33.6%)	7,029m ² (43.8%)	+139m ² (+2%)
No. of Parking Spaces	15	9	- 6
No. of L/UL Bays	34	30	- 4

- 1.6 Technical assessments, including Traffic Impact Assessment (TIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Tree Preservation and Landscaping Proposal (TPLP) and Ecological Review have been conducted, which confirm that no insurmountable adverse traffic, drainage, sewerage, landscape and ecological impacts arising from the proposed development are anticipated.

Traffic Aspect

- 1.7 The maximum number of vehicular traffic to/from the proposed development during the main operation hours (i.e. from 9:00 a.m. to 8:00 p.m. and 11:00 p.m. to 3:00 a.m.) are 22 and 6 vehicles/hour respectively. Only a minimal number of vehicles will be running in/out the Site during non-major operation hours. The additional traffic trips related to the proposed development are considered insignificant and can be absorbed by the surrounding road network. To ensure pedestrian safety, additional road markings, road signs and revolving lights are proposed.
- 1.8 The existing 1.2m wide footpaths at the central and northern parts of the Site are affected by the proposed development. In this regard, a 5m wide footpath has been reprovisioned along the northeastern boundary of the Site (**Drawings A- 12 and A-13**).

Environmental Aspect

- 1.9 Suitable noise mitigation measures, such as fixed/movable barrier walls (from 5m to 12m high); extended canopies, side panels and acoustic mats at the L/UL bays; silencers to the condenser; and suitable orientation of the opening of enclosures, are proposed to mitigate potential environmental impacts. The proposed development would not generate any insurmountable environmental impact on the surrounding areas.

Drainage and Sewerage Aspects

- 1.10 No selling, slaughtering or cleaning of chilled poultry/meat will be carried out within the Site. The major source of wastewater will be limited to the sewage from toilets and floor cleaning water at the L/UL area and loading platform. Adverse sewerage impact arising from the proposed development on the surrounding areas is not anticipated.
- 1.11 The proposed internal u-channel and existing watercourse/box culvert under Lo Wu Station Road would accommodate the peak runoff generated from the Site and surrounding catchments. The proposed development would be erected on the decked platform to minimize potential disturbance to the watercourse. To cater for additional runoff during the heavy rainstorm, two underground stormwater storage tanks are proposed as a temporary storage facility (**Drawing A-14**).

Landscape and Tree Perseveration Aspects

- 1.12 Landscaping treatments such as peripheral planting areas and green fence wall/noise barriers are proposed to alleviate potential visual impact. Extensive at-grade planting of about 4,105.6m² for visual enhancement and public enjoyment would be provided within the Site (**Drawing A-7**). Communal open space on the roof level of the CSDC are proposed to cater for passive recreational needs of the users and the public (**Drawing A-8**). As for tree preservation and compensation, a total of 138 trees are recorded within the Site³, of which 18 trees are proposed to be retained, 43 trees will be transplanted and another 77 trees will be felled. To compensate for the loss of trees, a total of 202 heavy standard trees are proposed to be planted within the Site and its adjoining amenity area (outside the Site)⁴.

Ecological Aspect

- 1.13 The ecological impact arising from the proposed development is insignificant. A detailed survey will be conducted for the presence of any individual of *Somaniathelphusa zanklon* prior to site clearance or construction works. A translocation proposal, if necessary, would be submitted for approval prior to the commencement works.
- 1.14 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 2.11.2022 (**Appendix I**)
- (b) FI received on 7.11.2023 enclosing a consolidated report (**Appendix Ia**)

³ One *Aquilaria sinensis* was identified in the southwestern part of the Site (**Plan A-2**). As it is only in sapling size (i.e. diameter at breast height less than 95mm), it is not included in the tree survey. Considering that *Aquilaria sinensis* is a protected species under Cap. 586, it will be protected and retained in the proposed planting areas.

⁴ According to the applicant, the lots covering the amenity area are under tenancy agreement with relevant landlords for public enjoyment.

with updated supplementary planning statement (SPS)
and technical assessments*

Remarks:

** accepted and exempted from publication and recounting requirements*

- 1.15 On 23.12.2022 and 21.4.2023, the Committee agreed to the applicant's request to defer making a decision on the application for two months each to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendix Ia**. They are summarized as below:

- (a) HKCPMA members are chilled poultry importers who sell chilled poultry products including chicken, ducks, geese and squabs to meet the Territory's demand for such products. The proposed development, to be used by 21 major chilled poultry operators and distributors, will be handling 95% of the territory import of chilled poultry from Mainland China for the daily consumption in Hong Kong and meet the increasing demand for cold storage. It does not involve the selling of poultry in small/ large quantities to individuals or retailers;
- (b) goods will be stored vertically on pallet racks and movement of goods within the CSDC building will be carried out by robotics. To allow the accommodation of intelligent logistic transport equipment, a high headroom is required. As such, the proposed BH (i.e. not more than 20.675m) of the main CSDC structure is considered reasonable. The proposed smart logistic operation could enable a boost in efficiency and significantly reduce the reliance on human input; reduce energy and electricity consumption; and create a safer and more labour friendly environment by separating human work from undesirable frozen storage area;
- (c) the Site is the subject of a previous application submitted by the same applicant for the same use, which was approved by the Committee in 2021 (Application No. N. A/NE-FTA/201). Due to the change in site configuration and development scale, a fresh application is inevitably required;
- (d) the applicant has been actively liaising with relevant bureau/departments to secure a permanent location for the CSDC over the past ten years. Given that the New Territories North (NTN) development is still at a conceptual planning stage and in view of the imminent demand for a CSDC, a temporary location to meet such demand is required;
- (e) located away from the urban areas, the Site is a suitable location for the proposed development which is difficult to operate in conventional industrial buildings; and
- (f) the proposed development is compatible with the surrounding land uses. Technical assessments have been conducted and confirmed that, with the implementation of the proposed mitigation measures, the proposed development would not induce insurmountable traffic, environmental, drainage, sewerage, landscape and ecological impacts on the surrounding areas.

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. 31A) by sending a notice to Ta Kwu Ling District Rural Committee and publishing notices in local newspapers. For the GL portion, TPB PG-No.31A is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not the subject of any active planning enforcement action.

5. Previous Application

- 5.1 The Site is the subject of a previous application submitted by the same applicant for the same use, which was approved by the Committee on 28.5.2021 mainly on consideration that the then Food and Health Bureau (FHB) rendered policy support to the application as there was a genuine operational need for a CSDC for poultry in Hong Kong; the development would not induce adverse traffic, landscape, ecological, environmental and drainage impacts, etc. to the surrounding area and that no adverse departmental comment was received on the application; or the concerns of relevant departments could be addressed through implementation of approval conditions. The planning permission is valid until 28.5.2024.
- 5.2 Details of the previous application is at **Appendix II** and its location is shown on **Plan A-2**.

6. Similar Application

There is no similar application within the same “AGR” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area.

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

7.1 The Site is:

- (a) with varying site levels ranging from + 4.5mPD to + 6.4mPD from the southwest to northeast (**Plan A-2**);
- (b) currently vacant and largely covered with vegetation and tree groups;
- (c) traversed by a watercourse running in a northeast to southwest direction in the middle of the Site; and
- (d) accessible via Lo Wu Station Road leading to Man Kam To Road.

- 7.2 The surrounding areas are predominantly rural in character comprising village cluster of Sha Ling Village (not a recognized village), fallow agricultural land, vegetated area and tree clusters. To the northwest and southeast are Sandy Ridge Cemetery and Dongjiang Water Mains respectively.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP, permission from the Board is required for filling of land within the “AGR” zone, as the activity may cause adverse drainage impacts to the adjacent areas and adverse impact on the natural environment.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III** and **IV** respectively.
- 9.2 The following government bureau supports the application.

Policy Support

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

- (a) support the application from food safety policy perspective;
- (b) ensuring food safety and diversity of food supply are the policy objectives of the Food Branch of the Environment and Ecology Bureau (EEB). Imported chilled meat and poultry have to be temporarily stored in licenced cold stores if the products are not directly distributed to retail outlets or licensed food premises upon entering Hong Kong. For years, importers and distributors of chilled poultry have expressed difficulties in competing with traders of other commodities in gaining access to the licensed cold storage facilities available in the market due to incompatibility of their operation with other commodities (as they operate overnight and create nuisances of noise and waste water and are not welcomed by licensed cold storage facilities operators), and repeated unsuccessful attempts to rent and refurbish premises in industrial buildings to operate their own licensed cold stores due to incompatible land use and structural safety concerns. The use of walk-in freezers on farmland or container yards for temporary storage of chilled meat and poultry, which some importers having been taking the risk of doing, not only contravenes the Food Business Regulation but also puts food safety of those products at risk. Statistically, in terms of import volume, the overall import of chilled poultry in the past three years remained steady

amidst COVID. Over 95% of chilled poultry in Hong Kong originated from the Mainland, it is anticipated that the import volume should be on a steady increase upon the resumption of normalcy;

- (c) taking into account the above considerations, the then FHB gave policy support to a planning application submitted by the HKCMPA in 2021 (Application No. A/NE-FTA/201), with the underlying understanding that the Site could offer adequate and suitable area for HKCMPA to construct a temporary CSDC for use in areas falling on “AGR” zone comprising various lots and the adjoining GL. The application was subsequently approved on a temporary basis for a period of three years until 28.5.2024;
- (d) it is noted from HKCMPA that the construction works for the approved temporary CSDC had not been proceeded with as scheduled due to some insurmountable difficulties. The HKCMPA reviewed possible options for revising the plan and eventually decided to re-submit an application with the temporary cold storage re-designed, making use of smart intensive warehouse system. According to the applicant, through the use of this technology, the proposed CSDC will be operated within a reduced site area as compared with the original one while the proposed high-density intelligent storage system should be able to accommodate more storage capacity than tradition racking system. It was also noted that the proposed plot ratio will also slightly increase, which points to effective use of the Site. It was noted that the BH of the structures will increase by around 100% as compared to the original one. The applicant indicated that the layout in the approved application with a limited floor height could no longer serve the surging demand and additional storage space was required for ice board on each tray to sustain a steady temperature of the chilled/frozen poultry at 4 degrees Celsius or below during the transportation. The applicant also remarked that the proposed increase in BH was deemed essential in order to facilitate intelligent logistics transportation equipment as well as a smart and intensive warehouse system. Void space was required to facilitate manoeuvring of robotic arms and automated machineries. The applicant also claimed that the current layout would be the most efficient one in optimizing both vertical and horizontal movement; and
- (e) EEB is in support of the use of innovative technology and automation for operating cold storage as this is conducive to Government’s smart city policy and a high storage capacity can be achieved within a limited area, optimizing the utilization of land resources. In addition, the new design, according to the information provided by the applicant, is expected to achieve energy conservation, enhance efficiency in storage and distribution of chilled poultry and reduce the manpower required to operate on-site such that disturbance to the surrounding environment can be reduced to the least.

9.3 The following government department has comments on the application.

Landscape

9.3.1 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) the Site is occupied by self-seeded plants and trees of common species. A footpath is constructed along the site boundary. According to the SPS, 138 trees are identified within the Site, of which 18 trees are proposed to be retained, 77 trees are proposed to be removed and 43 trees are proposed to be transplanted. Three trees at the amenity area outside the Site are proposed to be felled. All trees to be transplanted will be relocated to the amenity area. A total of 202 trees of heavy standard are proposed to be planted for the loss of the 80 existing trees. Of them, 151 trees will be planted within the Site and the remaining 51 trees will be planted within the amenity area. With reference to the SPS, 4,105.6m² and 2,867.5m² of greenery areas are proposed within the Site and its adjoining amenity area respectively. However, as the proposed amenity area is located outside the Site, the implementation of the landscaping treatment and transplanted trees at the amenity area could not be ascertained;
- (b) based on aerial photo of 2022 (**Plan A-3**), the Site is located in an area of rural inland plains landscape character comprising temporary structures, village houses, vegetated areas and tree clusters. Compared with the last approved application (No. A/NE-FTA/201), the layout of the CSDC has changed with a significant increase in BH (i.e. from not more than 10.4m high to not more than 20.675m high) and site coverage (i.e. from approximately 32% to 56.94%). Approval of the application may alter the existing landscape character of the surrounding areas; and
- (c) should the application be approved, an approval condition requiring the applicant to implement the accepted landscape proposal is required.

9.4 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) that:

- (a) the 1st Vice-chairman of Ta Kwu Ling District Rural Committee, the incumbent North District Councilor of N16 Constituency and the Chairman of 打鼓嶺沙嶺村居民福利會 object to the application mainly on the grounds that the proposed development is a mega structure located immediate next to the village, thus consider it incompatible with the surrounding environment; adverse drainage, traffic, environmental (including noise and air quality pollution), and landscape and ventilation impacts are anticipated; extensive site formation works pose flooding risks on the surrounding areas;
- (b) the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of San Uk Ling object to the application; and
- (c) the Chairman of Fung Shui Area Committee and the RR of Lo Wu have no comment on the application.

10. Public Comments Received During Statutory Publication Periods

10.1 On 15.11.2022, 3.3.2023, 27.6.2023, 4.8.2023 and 26.9.2023, the application was published for public inspection. During the statutory public inspection periods, a total of 75 public comments were received, in which 55 object, 15 support and 5 indicating no comment on the application (**Appendix V**).

Objecting Comments

10.2 The 55 objecting comments are from Kadoorie Farm and Botanic Garden Corporation (5), The Conservancy Association (1), 打鼓嶺沙嶺村居民福利會 (5 submissions involving 55, 53, 66, 68 and 66 signatures from the Sha Ling villagers respectively) and 44 villagers/individuals, as summarized below:

- (a) the proposed development is not in line with the planning intention of “AGR” zone. It is questionable if the Site can be reinstated to original status which is suitable for farm rehabilitation in future;
- (b) the proposed development is massive and incompatible with surrounding areas. The village settlement would be seriously disturbed. The proposed development should be located in industrial estate with more orderly management;
- (c) the proposed development to be operated 24 hours a day would cause adverse traffic, environmental, landscape, ecological, drainage and visual impacts on the surrounding areas. The Site is located in a low-lying area. The proposed filling of land will lead to and intensify the flooding problem. The proposed development would pose safety risk to villagers;
- (d) the existing watercourse running within the Site is on GL and has been shared by all villagers;
- (e) there had been unauthorized land filling works at the Site/the watercourse. It is a “destroy first, apply later” case;
- (f) the applicant has not fulfilled the approval conditions imposed under the previous application;
- (g) the proposed CSDC structures will be constructed on a decked platform. The structural safety of the elevated platform is questionable; and
- (h) the approval of this application would set an undesirable precedent for similar applications; and
- (i) no authorization has been given to the applicant for using Tso/Tong land within the Site for the proposed CSDC.

Supporting Comments

10.3 The 15 supporting comments are from stakeholders of the cold storage industry and individuals. Their supporting grounds are as follows:

- (a) there is a genuine need for a centralized CSDC in Hong Kong. The proposed

development would process about 95% of the chilled poultry import from Mainland;

- (b) the Site is in a suitable location near the border (i.e. Man Kam To Control Point). Traffic generated from the proposed use would not need to travel to the urban areas, and hence the potential traffic impact on the surrounding areas is minimal;
- (c) the proposed use is difficult to operate in industrial buildings and urban areas;
- (d) the Site has left vacant for years. The proposed development would better utilize land resources;
- (e) the proposed development is temporary in nature, and it will not create long-term impact on the surrounding areas;
- (f) technical assessments have been conducted and the results reveal that no environmental and ecological impact arising from the proposed development is anticipated; and
- (g) the proposed landscaping treatments would enhance the landscape/environmental quality of the area.

10.4 Five public comments from a NDC member indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is mainly for a proposed amendments to an approved application submitted by the same applicant for a proposed temporary CSDC for a period of three years with associated filling of land for site formation. The Site falls within an area zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone, which is 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. DAFC advises that the Site possesses potential for agricultural rehabilitation, though whether there will be agricultural activities on Site will hinge on a lot of factors. According to the applicant, the proposed CSDC will be handling 95% of the territory import of chilled poultry from Mainland China for the daily consumption in Hong Kong and meet the increasing demand for cold storage. While the applicant has been actively liaising with relevant departments/bureau for a permanent site for construction of the CSDC, the NTN development is still at a conceptual planning stage and in view of the imminent demand for a CSDC, a temporary location to meet such demand is required. EEB supports the application from food safety policy perspective as there is a genuine operational need for a centralized CSDC for poultry in Hong Kong and such facilities are important for food safety and diversity of food supply. Taking into account the planning assessments below, the proposed development on a temporary basis for a period of three years could be tolerated.
- 11.2 Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the applicant proposes that the filling works and operation of the CSDC will not induce any negative disturbances to the existing watercourse traversing the Site; and that all the facilities for the CSDC will be accommodated on the decked platform in order to

minimize the adverse impact to the existing watercourse. With the implementation of drainage facilities such as provision of on-site underground stormwater storage tanks and providing a vertical gap of about 1.2m for clearing and maintenance of the watercourse, etc. CE/MN of DSD has no in-principle objection to the application and considers that the proposed development would not have insurmountable adverse drainage impact on the surrounding areas. In terms of environmental aspect, with the implementation of environmental mitigation measures including provision of fixed/movable barriers; extended canopies, side panels and acoustic mats at the L/UL bays; silencers to the condenser; and suitable orientation of the opening of enclosures, DEP has no objection to the application from environmental perspective and considers that the proposed development would not have insurmountable adverse environmental impact on the surrounding areas. Approval conditions requiring the applicant to submit a detailed drainage proposal and provide drainage facilities; and to provide environmental mitigation measures as identified in the accepted EA are recommended. Besides, the applicant is advised to adopt the environmental mitigation measures and requirements as set out in ProPECC PN5/93, the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” and all relevant environmental protection/ pollution control ordinances.

- 11.3 The Site is situated in an area of rural landscape character characterized by village cluster of Sha Ling Village (not a recognized village), fallow agricultural land, vegetated area and tree clusters. The proposed development is not entirely compatible with the surrounding environment. CTP/UD&L of PlanD advises that approval of the application may alter the existing landscape character of the surrounding areas. Nonetheless, various landscape treatments including peripheral plantings, green fence walls/noise barriers, at-grade planting, etc. and are proposed to alleviate the potential visual and landscape impacts arising from the proposed development. With regards to CTP/UD&L of PlanD’s concern on landscape aspect, it should be noted that the applicant undertakes to implement and maintain the amenity area outside the Site in accordance with the accepted landscape proposal. Besides, approval condition requiring the applicant to implement the accepted landscape proposal is recommended with a view to closely monitoring the implementation progress. Upon the expiry of the planning permission, the applicant also undertakes to reinstate the Site while the landscaped amenity area would be retained as appropriate.
- 11.4 Having reviewed the TIA, C for T considers that the application can be tolerated from traffic engineering point of view. To compensate the closure of existing footpaths within the Site, a footpath with a minimum width of 5m has been reprovisioned along the northeastern boundary of the Site to serve the local villagers. The applicant also undertakes to maintain the footpath at all times during the planning approval period. Other relevant government departments consulted, including DFEH, DAFC, D of FS, CE/C of WSD, CBS/NTW of BD and DEMS, etc. have no adverse comment on/no objection to the application.
- 11.5 The application is the subject of a previously approved application submitted by the applicant for the same use mainly on consideration that the then FHB rendered policy support to the application as there was a genuine operational need for a CSDC for poultry in Hong Kong; the development would not induce adverse traffic, landscape, ecological, environmental and drainage impacts, etc. on the surrounding areas and that no adverse departmental comment was received on the application, or the concerns of relevant departments could be addressed through implementation of approval conditions. Compared with the previous application, the current application involves a reduced site

area and a refined layout of the proposed development (such as a reduction in GFA and an increase in BH and PR, etc.) due to land ownership constraints and the aspiration to adopt modern technology in the CSDC. In this regard, EEB supports the use of innovative technology and automation for operating cold storage as this is conducive to Government's smart city policy and a high storage capacity can be achieved within a limited area, as well as optimizing the utilization of land resources. In addition, the new design is expected to achieve energy conservation, enhance efficiency in storage and distribution of chilled poultry and reduce manpower required to operate on-site such that disturbance to the surrounding environment can be reduced. Besides, relevant departments consulted have no objection to/no adverse comment on the application, or their concerns could be addressed through implementation of approval conditions. The planning circumstances of the current application are considered similar to the subject previous application. Approval of the current application is in line with the Committee's previous decision.

- 11.6 15 supporting comments were received on the application. As for the local objections conveyed by DO(N) of HAD and the adverse public comments mentioned in paragraphs 9.4 and 10.2 respectively, relevant government departments' comments and planning assessments above are relevant. With regards to the owners' consent in relation to Tso/Tong land within the Site for the proposed CSDC, it should be noted that the applicant has complied with relevant TPB Guidelines on "Owner Consent/Notifications Requirements". Regarding the structural safety of the proposed CSDC block, it should be noted that such issue would be addressed in building plan submission by the Building Authority at a later stage should the application be approved.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account local comments conveyed by DO(N) of HAD and the public comments in paragraph 9.4 and 10 above, the Planning Department considers that the proposed temporary use under application could be tolerated for a period of three years.
- 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 10.11.2026. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no part of the Site shall be filled up to a depth which exceeds the range from 0.92m to 1.5m, as proposed by the applicant;
- (b) no heavy goods vehicle or container vehicle exceeding 24 tonnes is allowed to access the Site between 7:00 p.m. and 7:00 a.m. during the planning approval period;
- (c) to limit the number of vehicles accessing the Site, as proposed by the applicant in the accepted Environmental Assessment, at all times during the planning approval period;

- (d) no queuing of vehicle onto public road is allowed at all times during the planning approval period;
- (e) no public announcement system and loud speaker are allowed to be used on the Site at all times during the planning approval period;
- (f) the maintenance of the reprovisioned footpath on the Site, as proposed by the applicant, at all times during the planning approval period;
- (g) the maintenance of the existing natural watercourse within the Site at all times during the planning approval period;
- (h) the submission and implementation of the ecological mitigation measures, as proposed by the applicant, before commencement of works to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the Town Planning Board;
- (i) the provision of boundary fencing on the Site, as proposed by the applicant, within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 10.8.2024;
- (j) the submission of the design of vehicular run-in/run-out to the Site within **6** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.5.2024;
- (k) in relation to (j) above, the provision of vehicular run-in/run-out to the Site within **9** months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 10.8.2024;
- (l) the implementation of traffic management measures as identified in the accepted Traffic Impact Assessment within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 10.8.2024;
- (m) the implementation of environmental mitigation measures as identified in the accepted Environmental Assessment within **9** months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 10.8.2024;
- (n) the submission of a detailed 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 10.5.2024;
- (o) in relation to (n) above, the provision of 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 10.8.2024;
- (p) in relation to (o) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (q) the implementation of the accepted Landscape Proposal within **9** months from the date of planning approval to the satisfaction of the Director of Planning or of the

Town Planning Board by 10.8.2024;

- (r) 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 10.5.2024;
- (s) in relation to (r) 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 10.8.2024;
- (t) if any of the above planning condition (a), (b), (c), (d), (e), (f), (g) or (p) 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;
- (u) if planning condition (h) is not complied with before the commencement of works, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (v) if any of the above planning condition (i), (j), (k), (l), (m), (n), (o), (q), (r) or (s) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (w) upon the expiry of the planning permission, the reinstatement of the Site *to an amenity area* to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

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

12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:

- (a) the proposed development 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 such planning intention, even on a temporary basis; and
- (b) the applicant fails to demonstrate that the proposed development will not induce adverse landscape impact on the surrounding areas.

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 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.

14. Attachments

Appendix I	Application Form received on 2.11.2022
Appendix Ia	FI received on 7.11.2023 enclosing a consolidated report with the updated SPS and technical assessments
Appendix II	Previous Application
Appendix III	Government Departments' Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Master Layout Plan
Drawings A-2 and A-3	Floor Plans
Drawing A-4	Section Plan
Drawings A-5 and A-6	Elevation Plans
Drawings A-7 to A-10	Landscape Master Plan and Section Plans
Drawing A-11	Details of Vertical Green Wall
Drawings A-12 and A-13	Photo Records of the Reprovisioned Footpath
Drawing A-14	Proposed Drainage Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2023**