

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KLH/650

- Applicant** : Win Deal Corporation Limited represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 617 S.B ss.1 and 618 S.B RP (Part) in D.D. 9 and Adjoining Government Land (GL), Nam Wa Po, Kau Lung Hang, Tai Po, New Territories
- Site Area** : About 530m² (including GL of about 17.0m² (about 3%))
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kau Lung Hang Outline Zoning Plan (OZP) No. S/NE-KLH/11
- Zoning** : “Green Belt” (“GB”)
- Application** : Temporary Warehouse for Storage of Exhibition Equipment for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for storage of exhibition equipment for a period of three years at the application site (the Site) falling within an area zoned “GB” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible via a local track leading to Tai Wo Service Road West (**Plan A-2**). According to the applicant, the applied use comprises a single-storey temporary structure constructed with metal sheeting and canvas for storage of exhibition equipment, with a total gross floor area of about 514m² and a height of not exceeding 6m (**Drawing A-1**). While no parking space is provided at the Site, light goods vehicles are used for transportation of goods, with loading and unloading activities of not more than two times during off-peak hours daily and confined within the Site. The operation hours of the Site are between 9:00a.m. and 6:00p.m. from Mondays to Saturdays (excluding Sundays and public holidays). The layout plan submitted by the applicant is at **Drawing A-1**.
- 1.3 The Site is the subject of nine previously approved applications for temporary open storage or warehouse uses. The last previous application No. A/NE-KLH/605, submitted by a different applicant but for the same use as current

application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three years on 6.5.2022. Subsequently, the planning permission was revoked on 5.2.2024 due to non-compliance with the approval condition in relation to the implementation of fire services installations (FSIs) proposal. Details of the previous applications are set out in paragraph 6 below.

- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 8.1.2025 **(Appendix I)**
 - (b) Further information (FI) received on 17.2.2025* **(Appendix Ia)**
 - (c) FI received on 21.2.2025* **(Appendix Ib)**

** accepted and exempted from 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 Ib**, as summarised below:

- (a) the applied use is the subject of nine previous planning approvals since 1995. The last planning approval under application No. A/NE-KLH/605 was revoked due to non-compliance with the approval condition in relation to the implementation of FSIs proposal. The applicant is the new operator who commits to maintain the existing drainage facilities and provide the FSIs to the satisfaction of the government departments upon the planning approval is granted;
- (b) the applied use is similar in nature to those under previous planning approvals at the Site. Also, the applied use is small in scale and its surrounding has long utilised for open storage and warehouse uses, which will not contravene the planning intention of the “GB” zone in terms of limiting the urban sprawl;
- (c) the applied use is in compliance with the Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) as it will not generate adverse drainage, traffic, environmental and visual impacts on the surrounding areas. The applicant will maintain the existing traffic arrangement, drainage facilities and preventive measures against water pollution required in the last planning approval; and
- (d) the applicant, who is the new operator, has clarified that the current application will not involve any filling and excavation of land.

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 obtaining the consent of current land owners. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirement as set out in TPB PG-No. 31B are not applicable.

4. Town Planning Board Guidelines

The Town Planning Board Guidelines for ‘Application for Development within “Green Belt” zone under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 10) is relevant to the application. Relevant extract of the Guidelines is at **Appendix II**.

5. Background

5.1 The Site was covered with vegetation when the Kau Lung Hang Interim Development Permission Area (IDPA) Plan No. IDPA/NE-KLH/1 was gazetted on 24.8.1990 (**Plan A-3**), and is located adjacent to a godown/warehouse which has been in existence before the gazette of Kau Lung Hang IDPA Plan. The Site has been used for open storage/storage use since 1992 (**Plan A-3**).

5.2 The Site is subject to an active planning enforcement action (No. E/NE-KLH/177) against unauthorized development (UD) involving storage use (**Plan A-2**). An Enforcement Notice was issued on 12.12.2024 requiring discontinuation of the UD by 12.3.2025. Prosecution action would be considered if the notice is not complied with.

6. Previous Application

6.1 The Site is the subject of nine previous applications (No. A/NE-KLH/48, 139, 202, 313, 373, 420, 447, 525 and 605) for temporary open storage or warehouse uses which were all approved with conditions by the Committee / the Board on review between 1995 and 2022. The last previous application No. A/NE-KLH/605, submitted by a different applicant but for the same use as current application, was approved with conditions by the Committee on 6.5.2022 for a period of three years on the considerations that the applied use was small in scale, located close to the adjoining “Open Storage” (“OS”) zone and segregated from nearby village, and would unlikely cause adverse environmental impacts on the surrounding areas. The planning permission of the last application was subsequently revoked on 5.2.2024 due to non-compliance with the approval condition on the implementation of FSIs proposal. As compared with the latest previous application, the site layout and key development parameters under the current application are largely the same, except for the site area and the total gross floor area increased from about 516m² to about 530m² and from 508.6m² to 514m² respectively to reflect the as-built condition.

- 6.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1** and **A-2**.

7. Similar Applications

- 7.1 There are three similar applications (No. A/NE-KLH/584, 615 and 629) within the same “GB” zone in the vicinity of the Site in the past five years. Applications No. A/NE-KLH/584 and 629 covering the same site and involving temporary warehouse with ancillary office for a period of three years were approved with conditions by the Committee between 2020 and 2023 on similar considerations as mentioned in paragraph 6.1 above.
- 7.2 Application No. A/NE-KLH/615 for a temporary warehouse for a period of three years was rejected by the Board on review in 2023, mainly on the considerations of being not in line with the planning intention of the “GB” zone and not complying with TPB PG-No. 10 in that part of the site together with some temporary structures encroached onto the Waterworks Reserves for Tau Pass Culvert and there was insufficient information in the submission to demonstrate that the development complied with the development controls and restrictions of areas designated as water gathering grounds (WGG).
- 7.3 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plans A-1** and **A-2**.

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

- 8.1 The Site is:
- (a) currently hard-paved and used for the applied use without valid planning permission;
 - (b) located in the upper indirect WGG and falling within 30m waterworks reserve (**Plan A-2**); and
 - (c) accessible via a local track leading to Tai Wo Services Road West.
- 8.2 The surrounding areas are predominantly rural in character with temporary structures, open storage uses, warehouses, village houses, plant nursery and vacant land (**Plans A-2** and **A-3**).

9. Planning Intention

The planning intention of the “GB” zone is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone.

10. Comments from Relevant Government Departments

All government departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in Recommended Advisory Clauses are provided at **Appendices V and VI** respectively.

11. Public Comment Received During Statutory Publication Period

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VII**), objecting to the application mainly for the reasons that the previous applicant failed to comply the approval condition related to fire safety but continued its warehouse operation; and the applied use would cause fire safety impact.

12. Planning Considerations and Assessments

12.1 This application is for a temporary warehouse for storage of exhibition equipment for a period of three years at the Site zoned “GB” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “GB” zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. Nevertheless, the Director of Agriculture, Fisheries and Conservation has no comment on the application from nature conservation point of view. Taking into account the planning assessments below, approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “GB” zone.

12.2 The Site is currently occupied by an existing single-storey structure and situated adjacent to a warehouse which has been in existence before the gazette of Kau Lung Hang IDPA Plan. While the Site is in close proximity to the “OS” zone currently used by brownfield operations, it is segregated from Nam Wa Po Village by a nullah to the west (**Plans A-2 and A-3**). The applied use is considered not incompatible with the surrounding land uses which are predominantly rural in character. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective. Considering that the Site is located in the upper indirect WGG and waterworks reserve, the Chief Engineer/Construction of Water Supplies Department has no objection to the application subject to imposition of approval condition for preventing water pollution in the WGG and protecting the nearby waterworks reserve to be imposed. Other relevant government departments consulted including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/no adverse comment on the application.

12.3 In view of the above, the applied use generally complies with the TPB-PG No. 10 in that development in the “GB” zone should be compatible with the

surrounding areas and should not involve extensive clearance of existing natural vegetation, affect the existing natural landscape, cause any adverse visual, traffic and environmental impacts, overstrain the infrastructural capacity nor affect the WGG. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 13.2 below. Also, as the Site is zoned “GB”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “GB” zone and restore the greenery of the area is recommended should the Committee decide to approve the application. The applicant will also be advised to follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites’ to minimise any potential environmental nuisance caused by the applied use.

- 12.4 The Site is the subject of nine previous applications (No. A/NE-KLH/48, 139, 202, 313, 373, 420, 447, 525 and 605) for temporary open storage or warehouse uses, which were all approved by the Committee/the Board between 1995 and 2022 mainly on the considerations as detailed in paragraph 6.1 above. As compared with the last approved planning application (No. A/NE-KLH/605), there is no significant change in major development parameters under current application. There are also three similar applications (No. A/NE-KLH/584, 615 and 629) within the same “GB” zone in the vicinity of the Site in the past five years. Applications No. A/NE-KLH/584 and 629 covering the same site and involving temporary warehouse for a period of three years were approved by the Committee between 2020 and 2023 on similar considerations in paragraph 6.1 above. Approving the current application is in line with the Committee’s previous decisions. As for the rejected similar application No. A/NE-KLH/615, the rejected reason is mainly on the considerations of not complying with TPB PG-No. 10 in that there was insufficient information in the submission to demonstrate that the development complied with the development controls and restrictions of areas designated as WGG. The planning circumstances of the rejected application are different to those of the current application.
- 12.5 Regarding the public comment as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 28.2.2028. The following conditions of approval and advisory clauses are also 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 submission of a record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.5.2025;
- (c) no development on the Site shall cause water pollution to the upper indirect Water Gathering Ground at all times during the planning approval period;
- (d) the implementation of preventive, control and mitigation measure identified in the accepted risk assessment report on pollution or contamination to the Water Gathering Grounds within 9 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the Town Planning Board by 28.11.2025;
- (e) the submission of the revised 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 28.8.2025;
- (f) in relation to (d) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.11.2025;
- (g) if the above planning condition (a) or (c) 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 (b), (d), (e) or (f) 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 the removal of 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 attached at **Appendix VI**.

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the applied use is not in line with the planning intention of the "GB" zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption

against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

15. Attachments

Appendix I	Application form with attachments received on 8.1.2025
Appendix Ia	FI received on 17.2.2025
Appendix Ib	FI received on 21.2.2025
Appendix II	Relevant extract of TPB PG-No. 10
Appendix III	Previous applications
Appendix IV	Similar applications
Appendix V	Government departments' general comments
Appendix VI	Recommended advisory clauses
Appendix VII	Public comment
Drawing A-1	Layout plan submitted by the applicant
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photos
Plan A-4	Site photos

**PLANNING DEPARTMENT
FEBRUARY 2025**