

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-MKT/27**

- Applicant** : 英盛（合和）工程有限公司
- Site** : Lot 751 S.B RP in D.D. 82, Ping Che Road, Man Kam To, New Territories
- Site Area** : About 4,620m<sup>2</sup>
- Land Status** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/4
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Open Storage of Construction Machinery and Warehouse for Storage of Machinery Parts with Ancillary Office for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction machinery and warehouse for storage of machinery parts with ancillary office for a period of three years at the application site (the Site), which falls within an area zoned “Recreation” (“REC”) on the OZP (**Plan A-1**). The proposed uses are neither Column 1 nor 2 use in the “REC” zone. According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is partly vegetated and partly formed.
- 1.2 The Site is accessible via Ping Che Road to the east (**Plan A-2**). According to the applicant, the proposed development comprises three single-storey structures with a total gross floor area of about 1,160m<sup>2</sup> for warehouse (7m in height), office (2.5m in height) and meter room (2.5m in height) uses. About 75% of the Site (i.e. 3,460m<sup>2</sup>) is uncovered and would be mainly used for open storage and circulation purposes. One loading/unloading (L/UL) bay for medium goods vehicles is proposed within the Site. The operation hours of the development will be from 9 a.m. to 5 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays. The layout plan submitted by the applicant is shown at **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 24.5.2023 (Appendix I)
  - (b) Supplementary Information (SI) received on 31.5.2023 (Appendix Ia)

**2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendix I**, as summarized below:

- (a) to facilitate business expansion, a site for storage of machinery is needed;
- (b) the proposed development would bring job opportunities to the local residents and villagers; and
- (c) the proposed use is compatible with the surrounding environment. No adverse environmental, drainage, landscape and traffic, etc impacts are anticipated.

**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 posting site notice and sending notice to the Ta Kwu Ling District Rural Committee by registered mail.

**4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 are relevant to the application. The Site is within Category 3 areas under TPB PG-No. 13G. The relevant extracts of the Guidelines are at **Appendix II**.

**5. Background**

The Site is not subject to any active enforcement action.

**6. Previous Application**

There is no previous application at the Site.

**7. Similar Application**

There is no similar application in the vicinity of the Site within the same “REC” zone in the Man Kam To area.

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

8.1 The Site is:

- (a) partly vegetated and partly formed; and

(b) accessible via Ping Che Road to the east.

8.2 The surrounding areas are characterized by temporary domestic structures, storage/open storage yards, active/fallow agricultural land, tree clusters, a refuse collection point and a vehicle park. Ta Kwu Ling Police Station and Ta Kwu Ling Fire Station (Ta Kwu Ling Ambulance Depot) are located to the north and further northeast of the Site respectively (**Plan A-1**). To the east across Ping Che Road is the village proper of Kan Tau Wai.

## 9. **Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

## 10. **Comments from Relevant Government Departments**

10.1 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.

10.2 The following government departments have objection to/adverse comments on the application.

### Traffic

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

- the applicant should provide the following information/assessment for his consideration:
  - (i) to substantiate the traffic generation and attraction from and to the Site and the traffic impact on the nearby road links and junctions;
  - (ii) to justify the adequacy of the parking spaces and L/UL spaces so provided by relating to the number of vehicles visiting the Site;
  - (iii) to advise the management/control measures to be implemented to ensure no queueing of vehicles to the adjacent Ping Che Road outside the Site; and
  - (iv) to advise the provision and management of pedestrian facilities to ensure pedestrian safety at the adjacent Ping Che Road.

10.2.2 Comments of the Commissioner for Police (C for P):

- (a) he has adverse comments on the application;

- (b) the Site is situated near Ta Kwu Ling Police Station and Ta Kwu Ling Ambulance Depot (**Plan A-1**). Traffic impact arising from the proposed development will likely impede emergency services;
- (c) the Site is situated near the major road junction of the local road networks (i.e. Lin Ma Hang Road and Ping Che Road), connecting Heung Yuen Wai Boundary Control Point (HYW BCP) and Man Kam To Boundary Control Point (MKT BCP) (**Plan A-1**) where smooth traffic flow is required; and
- (d) the applicant should consider alternative sites for the proposed uses. Should the applicant consider the Site necessary for the proposed development, justifications should be provided.

#### Drainage

##### 10.2.3 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) he does not support the application from public drainage perspective unless the applicant can submit satisfactory drainage proposal to mitigate the flooding susceptibility of the area to his satisfaction; and
- (b) flooding/drainage complaints have been recorded. It is noted that the area adjoining the Site is subject to overland flows and/or regular flooding.

#### Landscape

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

- (a) she has some reservation on the application from landscape planning perspective;
- (b) based on aerial photo of 2022, the Site is located in an area of rural inland plains landscape character comprising domestic structures, vegetated areas and tree clusters. Open storage yards are observed in the further south of the Site. With reference to the recent site inspection, it is noted that the western portion of the Site is covered with wild grass and the eastern portion of the Site is covered by bare soil. Two mature native trees, a *Cinnamomum camphora* 樟 in fair condition with approximately 850mm diameter at breast height (DBH) and a *Celtis sinensis* 朴樹 in poor structural condition with approximately 900mm DBH, are observed along the northern and northeastern boundaries of the Site respectively (**Plan A-2**). Besides, a tree group of undersized invasive species is observed in the western portion of the Site. According to **Drawing A-1** and the drainage plan (**Drawing A-2**), the proposed ingress/egress, the open storage area and the drains would be in conflict with the two concerned trees (i.e. *Cinnamomum camphora* and *Celtis sinensis*). Information on the concerned trees, proposed tree treatment and mitigation measures are not provided in the submission.

Potential landscape impact on the existing landscape resources within the Site arising from the proposed development cannot be ascertained;

- (c) according to the record, no similar application has been approved by the Board in the vicinity of the Site within the same “REC” zone. There is concern that the proposed development would alter the landscape character and degrade the landscape quality of the “REC” zone; and
- (d) the applicant is required to provide basic information on the existing trees within the Site, proposed tree treatment and proposed mitigation measures, if any, for consideration.

#### District Officer’s Comments

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

- (a) the Resident Representatives (RRs) of Chow Tin Tsuen and Tong Fong object to the application without providing justification;
- (b) the Chairman of Fung Shui Area Committee, the incumbent North District Councilor of N16 Constituency, one Indigenous Inhabitant Representative (IIR) of Chow Tin Tsuen, the RRs of Fung Wong Wu and Kan Tau Wai and the IIR of Tong Fong have no comment on the application; and
- (c) Ta Kwu Ling District Rural Committee, one IIR of Chow Tin Tsuen, the IIRs of Fung Wong Wu and Kan Tau Wai, and the IIR and the RR of Lei Uk do not reply.

### **11. Public Comments Received During Statutory Publication Period**

On 2.6.2023, the application was published for public inspection. During the statutory public inspection period, five public comments were received, including one from a member of the North District Council indicating no comment and four individuals objecting to the application (**Appendix V**). The grounds of objection are mainly that the proposed development would destroy the natural landscape/environment of the area and habitats of animals (e.g. frogs and fireflies); induce adverse drainage and environmental impacts (including land contamination, air quality, air pollution and noise impacts) on the surrounding areas; the Site is close to the existing villages and not the subject of any previous approvals for the same use.

### **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary open storage of construction machinery and warehouse for storage of machinery parts with ancillary office for a period of three years at the Site zoned “REC” on the OZP. The proposed uses are considered not in line with the planning intention of the “REC” zone, which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission. There is no strong planning justification in the submission for a departure from the planning intention of the “REC” zone, even on a temporary basis.

- 12.2 The Site falls within Category 3 area under the TPB PG-No. 13G promulgated by the Board on 14.4.2023. The following conditions in the Guidelines are relevant:
- Category 3 areas: application would normally not be favourably considered unless the applications are on sites with previous planning approvals (irrespective of whether the application is submitted by the applicant of previous approval or a different applicant). Sympathetic consideration may be given if genuine efforts have been demonstrated in compliance with approval conditions of the previous applications and/or relevant technical assessments/proposals have been included in the fresh applications, if required, to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions, planning permission could be granted on a temporary basis up to a maximum period of three years.
- 12.3 The Site is situated in an area of rural inland plains landscape character comprising domestic structures, vegetated areas, active/fallow agricultural land, tree clusters and some open storage yards. Two trees (i.e. *Cinnamomum camphora* and *Celtis sinensis*) are identified within the Site (**Plan A-2**). There is no information in the submission on the two concerned trees and any proposals for tree treatment and mitigation measures. In this regard, CTP/UD&L, PlanD has some reservation on the application from landscape planning perspective as potential landscape impact on the existing landscape resources within the Site arising from the proposed development cannot be ascertained. There is concern that the proposed development would alter the landscape character and degrade the landscape quality of the “REC” zone.
- 12.4 C for T advises that information/assessment in relation to traffic generation/attraction, adequacy of parking and L/UL spaces and management of pedestrian facilities, etc. should be provided, without which potential traffic impact arising from the development could not be ascertained. C for P has adverse comments on the application as traffic impact arising from the proposed development will likely impede emergency services as the Site is located close to Ta Kwu Ling Police Station and Ta Kwu Ling Fire Station (Ambulance Depot); and it is also located near the major road junction connecting to HYW and MKT BCPs where smooth traffic flow is required. With regard to the potential drainage impact, CE/MN of DSD does not support the application from public drainage perspective and advises that the area adjoining the Site is subject to overland flows and/or regular flooding. The applicant is required to submit a drainage proposal for his consideration. Other relevant departments consulted including DEP and D of FS have no adverse comment on or no objection to the application.
- 12.5 The application does not comply with TPB PG-No.13G in that the Site is not the subject of any previous approval and there are adverse departmental comments and local objections to the application. The applicant has failed to demonstrate that the proposed development would have no adverse traffic, drainage and landscape impacts on the surrounding areas.
- 12.6 Regarding the public comments objecting to the application as detailed in paragraph 11 and the local views/comments conveyed by DO(N) in paragraph 10.2.5 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 local views conveyed by DO(N), HAD and the public comments mentioned in paragraphs 10.2.5 and 11 respectively, the Planning Department does not support the application for the following reasons:

- (a) the proposed development is not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development does not comply with TPB PG-No. 13G for "Application for Open Storage and Port Back-up Uses" in that no previous approval has been granted to the Site and there are adverse departmental comments and local objections; and
- (c) the applicant fails to demonstrate in the submission that the proposed development would not generate adverse traffic, drainage and landscape impacts on the surrounding areas.

13.2 Alternatively, 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 **14.7.2026**. The following conditions of approval and advisory clauses are suggested for Members' reference:

#### **Approval Conditions**

- (a) no operation between 5:00 p.m. and 9:00 a.m, from Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of a 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 **14.1.2024**;
- (d) in relation to (c) 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 **14.4.2024**;
- (e) in relation to (d) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (f) the submission of the design of vehicular run-in/out to the Site along Ping Che Road within 6 months from the date of planning approval to the satisfaction to the Director of Highways or of the Town Planning Board by **14.1.2024**;

- (g) in relation to (f) above, the provision of the vehicular run-in/out to the Site along Ping Che Road within 9 months from the date of planning approval to the satisfaction to the Director of Highways or of the Town Planning Board by 14.4.2024;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 25.8.2023;
- (i) the submission of proposals for fire service installations and water supplies for firefighting 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 14.1.2024;
- (j) in relation to (i) above, the implementation of proposals for fire service installations and water supplies for firefighting 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 14.4.2024;
- (k) the submission of a proposal for traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 14.1.2024;
- (l) in relation to (k) above, the implementation of the traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 14.4.2024;
- (m) if any of the above planning condition (a), (b) or (e) 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; and
- (n) if any of the above planning condition (c), (d), (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.

#### Advisory Clauses

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

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.



**15. Attachments**

<b>Appendix I</b>	Application Form received on 24.5.2023
<b>Appendix Ia</b>	SI received on 31.5.2023
<b>Appendix II</b>	Relevant Extract of TPB PG-No. 13G
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JULY 2023**