

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/42

<u>Applicant</u>	: Fancy Spot Limited represented by R-riches Property Consultants Limited
<u>Site</u>	: Lots 788, 792, 793 RP, 794 RP, 795, 796 RP (Part) and 803 RP (Part) in D.D. 82, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 5,424m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/5
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities at the application site (the Site). The Site falls within an area zoned “REC” 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 within the “REC” zone requires planning permission from the Town Planning Board (the Board). The Site is generally vacant, partly paved and partly vegetated.
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of three business operations at the original sites affected by the Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA) which will be resumed by the Government. The affected operations involve a total site area of about 5,327m² as claimed by the applicant. All business operations will be incorporated into a single warehouse structure within the Site (**Drawing A-1**).
- 1.3 The Site is abutting Ping Che Road to the east (**Plan A-2**). According to the submission, the proposed use consists of three structures of not more than 13m in height (one-to-two storeys) with a total floor area of about 5,369m² for a warehouse storing miscellaneous goods (including but not limited to packaged food and beverage, apparel, footwear, electronic goods etc. which would be the same as those at the original sites), washroom, site office and two rain shelters for loading/unloading (L/UL). The remaining uncovered area (about 2,689m² or 50%) is designated for vehicle parking spaces, L/UL spaces and

circulation area to support daily operation of the proposed use. Four private car parking spaces (5m x 2.5m) are proposed for staff use, and a total of six L/UL spaces, including two for light goods vehicles (7m x 3.5m), two for medium goods vehicles (11m x 3.5m) and two for container vehicles (16m x 3.5m), are proposed within the Site. The operation hours of the proposed use are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. It is estimated that the Site would be able to accommodate not more than 10 staffs. No structure is proposed for domestic use. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 According to the applicant, an ingress/egress is proposed at the northeast of the Site (**Drawing A-1**) and sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis for container vehicle has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ia and Ic**), a 'no left-turn' sign will be erected within the Site to restrict container vehicles from turning left from the Site onto Ping Che Road, ensuring road safety. A staff will be deployed to instruct the vehicles entering the Site to ensure pedestrian safety.
- 1.5 A landscape plan (**Drawing A-2**) has been submitted in support of the application. According to the applicant, two trees are proposed to be felled as they are in conflict with the proposed use. In order to mitigate the potential landscape impact, 14 new trees of local species will be replanted within the Site for compensatory planting.
- 1.6 In support of the application, the applicant has submitted the following documents:
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|-----|---|------------------------|
| (a) | Application Form received on 3.2.2025 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 7.2.2025 | (Appendix Ib) |
| (d) | Further Information (FI) received on 14.3.2025* | (Appendix Ic) |
| (e) | FI received on 18.3.2025 and 19.3.2025* | (Appendix Id) |

** 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, SPS, SI and FI at **Appendices I to Ie**, as summarised below:

- (a) the proposed use is to facilitate the relocation of brownfield operations affected by KTN/FLN NDA. The applicant intends to relocate the business to the Site to continue the business operations;
- (b) the applicant has conducted site search process to identify suitable site for the relocation of the affected operation and the Site is considered most suitable for relocation. The site area (about 5,424m²) and the total floor area (about 5,369m²) of the proposed use represent an increase in operational space compared to the original sites, as all business operations will be consolidated into one single structure to optimise resources and allow for enhance the overall efficiency of the Site;
- (c) the Site is the most suitable option for relocating the business operation as it is relatively flat, easily accessible and in close proximity to various boundary control points (BCPs) to support operational needs;

- (d) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where brownfield operations are commonly found at the surrounding areas;
- (e) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (f) there is a similar precedent case (application No. A/NE-TKLN/77) approved by the Rural and New Town Planning Committee (the Committee) in the “REC” zone across 250m northeast of the Site;
- (g) no significant adverse impacts in terms of environmental, traffic, drainage, etc. are anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (the COP) issued by the Environmental Protection Department (EPD) and comply with the relevant mitigation measures and requirements; and
- (h) the applicant will submit application for Short Term Waiver to the Lands Department for the erection of the proposed structure at the Site after obtaining the planning approval.

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 notice 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.

4. Background

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

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

- 6.1 There were five similar applications (No. A/NE-MKT/27, A/NE-TKLN/77¹, 85, 86 and 93) for temporary warehouses with or without open storage within the “REC” zone in the vicinity of the Site in the past five years (**Plan A-1**). Amongst them, applications No. A/NE-TKLN/77, 85, 86 and 93 located at the adjoining “REC” zone on the Ta Kwu Ling North OZP to the northeast of the Site were approved by the Committee between March 2024 and February 2025 mainly on the considerations that the applications were to facilitate relocation of business operations affected by government projects (i.e. Hung

¹ Application No. A/NE-TKLN/77 is for proposed temporary logistic centre, warehouse (excluding dangerous goods godown) and container vehicle park with ancillary facilities for a period of three years.

Shui Kiu/Ha Tsuen, KTN and Yuen Long South NDAs, public housing development at Sha Po and Northern Link Main Line) and the Secretary for Development (SDEV) rendered policy support to the applications (except for application No. A/NE-TKLN/93); there were no major adverse departmental comments on the applications; and the proposed uses were not entirely incompatible with the surrounding land uses.

- 6.2 The remaining application (No. A/NE-MKT/27) for proposed temporary warehouse for storage of machinery parts and open storage of construction machinery with ancillary office was rejected by the Board on review in 2023 mainly for the reasons of being not in line with the planning intention of the “REC” zone; being failed to demonstrate that the proposed use would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas; and not complying with the Town Planning Board Guidelines No. 13G (TPB PG-No. 13G).
- 6.3 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 and A-2, aerial photos on Plans A-3a and A-3b and site photos on Plans A-4a and A-4b)

- 7.1 The Site is:
 - (a) generally vacant, partly paved and partly vegetated; and
 - (b) abutting Ping Che Road to the east and bordering Ping Yuen River to the south.
- 7.2 The surrounding areas mainly comprise open storage yards, warehouses, active/fallow agricultural land, vegetated areas and tree clusters. To the east across Ping Che Road is Kan Tau Wai zoned “Village Type Development” (“V”).

8. 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.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/department 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 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 the SDEV:

- (a) the application is to facilitate relocation of a brownfield operation providing warehouse services with its three warehouses currently situated at (i) Lots 27, 68, 87 and 88 in D.D. 95 at KTN; (ii) Lots 406 (part) and 408 (part) in D.D. 52 at FLN; and (iii) Lots 401 (part), 439 (part), 443 (part) and 444 (part) in D.D. 52 at FLN. The brownfield operation will be affected by the Remaining Phase development of the KTN/FLN NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the Site under the current application is considered suitable for relocation. The site area is also slightly smaller than the original sites at KTN and FLN; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.3 The following government department has concern on the application:

Landscape

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

- (a) based on the site inspection, the Site is mostly hard paved with some trees observed within the Site. Large trees, including a *Ficus microcarpa* with approximately 800mm diameter at breast height (DBH) and a *Ficus variegata* with approximately 480mm DBH are observed at the southeastern side within the Site;
- (b) having reviewed the landscape proposal, apart from the two mentioned large trees proposed to be felled at the southeastern side within the Site, there is no information on the other existing trees, for example numbers, species, sizes, etc. 14 new trees (i.e. *Polyspora Axillaris*) are proposed along the eastern boundary within the Site;
- (c) compared to the aerial photo taken in 2023, vegetation clearance has been taken place. With reference to the aerial photo, the Site is located in an area of rural inland plains landscape character comprising vegetated areas, scattered tree groups, temporary structures and houses within the “V” zone to the east. There is a concern that approval of the application may further alter the landscape character and degrade the landscape quality of the “REC” zone; and
- (d) her other advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 11.2.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix V**). One individual objects to the application for the reasons that the Site is not the subject of any previously approved

application; the application is not complying with the TPB PG-No. 13G; and sufficient land has been designated for brownfield relocation. The remaining public 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 proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site zoned “REC” on the OZP (**Plan A-1**). The proposed use 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, and to encourage the development of active and/or passive recreation and tourism/eco-tourism. There is no known development proposal at the Site. Nevertheless, the application is submitted to facilitate the relocation of brownfield operations affected by the KTN/FLN NDA, and the Site is considered suitable for relocation as identified by the applicant. From the perspective of ensuring timely development of the NDAs and delivery of housing yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the need of economy, SDEV supports the application. Taking into account the planning assessments below and with the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 11.2 The Site, being situated in an area of rural character, mainly comprising open storage yards, warehouses, active/fallow agricultural land, vegetated areas and tree clusters, is generally vacant, partly paved and partly vegetated (**Plans A-3 and A-4**). The proposed use is considered not entirely incompatible with the surrounding land uses. CTP/UD&L, PlanD concerns that approval of the application may further alter the landscape character and degrade the landscape quality of the surrounding area. To mitigate the potential adverse landscape impact, the applicant submits a landscape proposal and will replant 14 new trees at the Site for compensatory planting (**Drawing A-2**).
- 11.3 The Site is abutting Ping Che Road to the east (**Plan A-2**). The Commissioner for Transport has no comment on the application from traffic engineering point perspective. Other relevant government departments consulted, including the Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department, have no objection to or no adverse comment on the application. To minimise any possible environmental nuisance, the applicant will be advised to follow the environmental mitigation measures as set out in the latest COP. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively.
- 11.4 There were five similar applications within the “REC” zone in the vicinity of the Site in the past five years (**Plan A-1**). In particular, there were three similar applications (No. A/NE-TKLN/77, 85 and 86) for temporary warehouse to the northeast of the Site related to the relocation of brownfield operations affected by government projects, which were approved with conditions by the Committee in 2024 mainly on the considerations as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. As such, approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the adverse public comments mentioned in paragraph 10, 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, the Planning Department 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 28.3.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) 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 28.9.2025;
- (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 28.12.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 28.9.2025;
- (e) 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 28.12.2025;
- (f) 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 28.12.2025;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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
- (i) if any of the above planning condition (a), (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.

Advisory Clauses

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

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

the proposed use 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 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.

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 3.2.2025
Appendix Ia	SPS
Appendix Ib	SI received on 7.2.2025
Appendix Ic	FI received on 14.3.2025
Appendix Id	FI received on 18.3.2025 and 19.3.2025
Appendix II	Similar Applications
Appendix III	Government Departments’ General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**