

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/43

<u>Applicant</u>	: Tin Yeung Motor Company Limited represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lot 758 RP (Part) in D.D. 82, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 650m 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 for Storage of Vehicle Parts for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of vehicle parts at the application site (the Site) (**Plan A-1**). The Site falls within an area zoned “REC” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is paved and fenced off, and largely vacant (**Plans A-4a and 4b**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of an existing brownfield operation for storage of vehicle parts in Shan Ha Tsuen, Yuen Long being affected by government project, i.e. the Yuen Long South New Development Area (YLS NDA). The affected operation in Yuen Long, which involves a site area of about 659m², is subject to a valid planning permission (application No. A/YL-TYST/1172)¹. The affected land in Yuen Long will be resumed by the Government.
- 1.3 The Site is abutting Ping Che Road to the east (**Plan A-2**). According to the applicant, the proposed use consists of three structures of not more than 6.5m in height (one to two storeys) with a total floor area of not more than 290m² for warehouse, site office and toilet uses respectively. The remaining uncovered area is designated for manoeuvring of

¹ Application No. A/YL-TYST/1172 for renewal of planning approval for temporary vehicle inspection centre with ancillary open storage of vehicle and vehicle parts for a period of three years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 26.8.2022.

vehicles, one private car parking space (5m (L) x 2.5m (W)) and one loading/unloading space for light goods vehicle (7m (L) x 3.5m (W)). 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. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 According to the applicant, an ingress/egress with 7m in width is proposed at the southeast of the Site (**Drawing A-1**) and sufficient space will be provided within the Site for manoeuvring of vehicles. According to the traffic management measures proposed by the applicant (**Appendix Ib**), warning signs and flashing light will be installed at the ingress/egress to ensure the safety of pedestrians. No workshop activities is proposed. No medium goods vehicle, heavy goods vehicle and container trailer/tractor will access the Site.
- 1.5 A drainage proposal (**Drawing A-2**), with the provision of U-channels and catchpits at the Site, is submitted by the applicant in support of the application. The intercepted stormwater shall discharge to the existing open drain to the north of the Site and then dissipate to Ping Yuen River. A gap of 0.1m will be reserved at the toe of site hoarding to allow unobstructed flow of surface runoff.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 13.2.2025 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 30.3.2025* (**Appendix Ib**)
 - (d) FI received on 1.4.2025* (**Appendix Ic**)

** accepted and exempted from the 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 and FIs at **Appendices I to Ic**, as summarised below:

- (a) the proposed use is to facilitate the relocation of brownfield operation with a valid planning permission (application No. A/YL-TYST/1172) affected by YLS NDA. The applicant intends to relocate the affected business to the Site to continue the business operation;
- (b) the applicant has conducted site search process to identify suitable sites for the relocation of the affected operation but those sites are considered not suitable or impracticable due to reasons such as land use incompatibility, high acquisition costs and accessibility, etc. Hence, the Site is considered the most suitable for relocation;
- (c) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where brownfield operations are commonly found;
- (d) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (e) there is a precedent approved application (No. A/NE-MKT/34) in the same OZP to facilitate relocation of business operation affected by government project; and

- (f) 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 and comply with the relevant mitigation measures and requirements.

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 consent of the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site was subject to planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers) (enforcement case No. E/NE-MKT/52) (**Plan A-2**). Enforcement Notice (EN) was issued by the Planning Authority on 16.9.2024 requiring discontinuation of the UD. Subsequent site inspections revealed that the UD has been discontinued. A Compliance Notice for the EN was issued on 3.4.2025.

5. Previous Application

- 5.1 The Site is the subject of a previous application (No. A/NE-MKT/1) submitted by a different applicant for proposed temporary shop and services (metal hardware retail shop) and ancillary office for a period of three years, which was rejected by the Committee on 15.7.2016. Its considerations are not relevant to the current application which involves different use.
- 5.2 Details of the previous application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There were six similar applications (No. A/NE-MKT/27 and 42, A/NE-TKLN/77, 85, 86 and 93) for temporary warehouse within the same/adjoining “REC” zone in the vicinity of the Site in the past five years (**Plan A-1**). Amongst them, applications No. A/NE-MKT/42 situated to the south of the Site, and A/NE-TKLN/77², 85, 86 and 93 located at the adjoining “REC” zone on the approved Ta Kwu Ling North OZP to the northeast of the Site were approved by the Committee between March 2024 and March 2025 mainly on the considerations that the applications were to facilitate relocation of business operations affected by government projects (i.e. Hung Shui Kiu/Ha Tsuen, Kwu Tung North, Fanling North 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

² 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.

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 for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’.

6.3 Details of the similar applications are summarised at **Appendix III** 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 Plan A-3 and site photos on Plans A-4a and A-4b)

7.1 The Site is:

- (a) paved, fenced off and largely vacant; and
- (b) abutting Ping Che Road to the east.

7.2 The surrounding areas mainly comprise open storage yards, warehouses, domestic structures, 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/departments as set out in paragraphs 9.2 and 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices IV and V** 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 business operation for storage of vehicle parts in Yuen Long, which will be affected by the Yuen Long South Second Phase Development (the Project);
- (b) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere to pave way for the clearance under the Project, and the Site under the current application is the most suitable relocation site. The Site also has a similar site area to their current facility; and
- (c) in view of the above and subject to no adverse comment on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.3 The following government departments have adverse comment or concern on the application:

Land Administration

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

- (a) she has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via Government land (GL) is granted to the Site;
- (c) the following irregularity not covered by the subject planning application has been detected by her office:

(i) unlawful occupation of GL not covered by the planning application

the GL adjoining the Site has been fenced off without permission. The GL being illegally occupied is not included in the planning application. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). Her office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice; and

- (d) the lot owners shall cease the illegal occupation of the GL not covered by the planning application immediately and subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to her office for Short Term Waiver (STW) to permit the structures to be erected. The application for STW will be considered by LandsD in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach(es) already in

existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered.

Landscape

9.3.2 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 fenced off and hard paved with no sensitive landscape resources. Few trees are observed at the periphery of the Site;
- (b) with reference to the aerial photo of 2023, 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. Approval of the application may alter the landscape character of the “REC” zone; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 21.2.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). One individual objects to the application for the reasons that the Site is the subject of a previously rejected application; and the applicant’s claim that alternative relocation site could not be identified is not justified, noting that the proposed use involves a small site area and numerous sites have been designated as Category 2 areas under TPB PG-No. 13G 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 for storage of vehicle parts 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 current application is submitted to facilitate the relocation of brownfield operation affected by YLS NDA, and the Site is the most suitable relocation site as identified by the applicant. SDEV advises that subject to concerned departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective. 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, which is paved and fenced off, and largely vacant, is abutting Ping Che Road to the east (**Plans A-2, A-4a and A-4b**). The proposed use, involving three structures with a total floor area of not more than 290m² and building height of not exceeding 6.5m (**Drawing A-1**), is considered not entirely incompatible with the surrounding areas which

are of rural character, mainly comprising open storage yards, warehouses, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters (**Plan A-3**). While CTP/UD&L, PlanD considers that approval of the application may alter the landscape character of the “REC” zone, no sensitive landscape resources are identified within the Site.

- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Chief Highway Engineer/New Territories East, Highways Department, Director of Fire Services and Chief Engineer/Mainland North, Drainage Services Department, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the latest COP in order to minimise the possible environmental nuisance on the surroundings. Regarding DLO/N, LandsD’s concern on the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There were four similar applications (No. A/NE-TKLN/77, 85 and 86 and A/NE-MKT/42) for temporary warehouse related to the relocation of brownfield operations affected by government projects which were approved by the Committee in 2024 and 2025 as mentioned in paragraph 6 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 comment as detailed in paragraph 10 above, the government bureau’s/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 11.4.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.10.2025;
- (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 11.1.2026;
- (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 11.10.2025;
- (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 11.1.2026;
- (f) 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 11.10.2025;
- (g) in relation to (f) 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 11.1.2026;
- (h) 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 11.1.2026;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (c) or (i) 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
- (k) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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 V**.

- 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 13.2.2025
Appendix Ia	SPS
Appendix Ib	FI received on 30.3.2025
Appendix Ic	FI received on 1.4.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

PLANNING DEPARTMENT
APRIL 2025