

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

**APPLICATION NO. A/NE-TKLN/77**

- Applicant** : New Peak Investment Limited represented by Tai Wah Development Consultants Limited
- Site** : Various Lots in D.D. 78 and 82 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling North, New Territories
- Site Area** : About 122,819m<sup>2</sup> (includes GL of about 6,371m<sup>2</sup> or about 5% of the Site)
- Land Lease** : (i) Block Government Lease (demised for agricultural use)  
(ii) GL
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Logistic Centre, Warehouse (Excluding Dangerous Goods Godown) and Container Vehicle Park with Ancillary Facilities for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary logistic centre, warehouse (excluding dangerous goods godown) and container vehicle park with ancillary facilities for a period of three years at the application site (the Site), which falls within an area zoned “REC” on the OZP. According to the Notes of the OZP, temporary use not exceeding a period of three years within the “REC” zone requires planning permission from the Town Planning Board (the Board). The Site is partly hard paved and partly covered with vegetation.
- 1.2 According to the applicant, the current application is submitted to facilitate the relocation of its three operations in Hung Shui Kiu, Sha Po, and Kwu Tung being affected by government projects (i.e. Hung Sui Kiu/ Ha Tsuen New Development Area (NDA), public housing development at Sha Po, and Kwu Tung North NDA respectively). The three operations involve a total site area and floor area of about 52,358.8m<sup>2</sup> and about 50,545m<sup>2</sup> respectively, currently used for logistic centres, container vehicle park, and warehouse (excluding dangerous goods godown). It is anticipated that land resumption for the operations would take place between 2024 and 2030.
- 1.3 The proposed development comprises six structures with a total floor area of about 130,848m<sup>2</sup>, including (i) two two-storey structures with a building height of about 15m and a floor area of about 90,516m<sup>2</sup> for logistic centre use; (ii) three two-storey structures with a building height of about 15m and a floor area of about 39,206m<sup>2</sup> for warehouse

(excluding dangerous goods godown) use; and (iii) a two-storey structure with a building height of about 7m and a floor area of about 1,126m<sup>2</sup> for office and washroom uses. Apart from the area covered by the aforesaid structures, the remaining area (about 57,394m<sup>2</sup> or 47% of the Site) is reserved for parking of container vehicles and circulation area. A total of 53 loading/ unloading (L/UL) bays for container vehicles and 49 parking spaces (33 for container vehicles and 16 for private cars) are proposed within the Site. The layout plan submitted by the applicant is shown in **Drawing A-1**. The operating hours are from 7:00 a.m. to 8:00 p.m. from Mondays to Saturdays, with no operations on Sundays and public holidays.

- 1.4 The Site is accessible via Lin Ma Hang Road (**Plan A-2**). Staff will be employed to ensure no queuing of vehicles outside of the site. Warning signs, flashing lights and alarm system will also be deployed at the entrance of the Site to ensure pedestrian safety. A landscape proposal (**Drawing A-2**) and a drainage proposal (**Drawings A-3a and A-3b**) are submitted by the applicant in support of the application.
- 1.5 The major development parameters of the proposed development are summarised as follows:

<b>Site Area</b>	About 122,819 m <sup>2</sup> (including GL of about 6,371m <sup>2</sup> , or about 5% of the Site)		
<b>Plot Ratio</b>	About 1.07		
<b>Site Coverage</b>	About 53%		
<b>No. of Block</b>	6		
	Blocks 1, 4 and 5 (warehouse (excluding dangerous goods godown))	Blocks 2 and 3 (logistics centre)	Block 6 (office and washroom)
<b>Total Floor Area</b>	About 130,848 m <sup>2</sup>		
<b>Floor Area (about)</b>	39,206m <sup>2</sup>	90,516m <sup>2</sup>	1,126m <sup>2</sup>
<b>No. of Storeys</b>	2	2	2
<b>Building Height (about)</b>	15m	15m	7m
<b>No. of L/UL Bays</b>	- 53 L/UL bays for container vehicles		
<b>No. of Parking Spaces</b>	- 16 private car parking spaces - 33 container vehicle parking space		

- 1.6 In support of the application, the applicant has submitted the following documents:

- (a) Application Form with attachments received on 12.12.2023 (Appendix I)
- (b) Further Information (FI) received on 22.1.2024<sup>^</sup> (Appendix Ia)
- (c) FI received on 8.2.2024<sup>^</sup> (Appendix Ib)
- <sup>^</sup> accepted but not 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 at **Appendices I to Ib**. They are summarized as below:

### *The Applied Use is the Same as the Affected Business*

- (a) the proposed development involves the operation of logistics centre, warehouse (excluding dangerous goods godown) and container vehicle park with ancillary facilities, which is the same as the affected business in Hung Shui Kiu, Kwu Tung, and Sha Po;

### *Additional Site Area Required to Accommodate Sufficient Internal Circulation Space*

- (b) while the site area and the floor area of the proposed development (about 122,819m<sup>2</sup> and about 130,848 m<sup>2</sup> respectively) are larger than that of the affected business premises (a total site area of 52,358.8m<sup>2</sup> and a total floor area of 50,545m<sup>2</sup>), it should be noted that a significant portion of the Site (about 57,394m<sup>2</sup> or 47% of the Site) is uncovered and designated for manoeuvring, parking of vehicles and circulation in support of the proposed development. Compared to the original business locations without adequate circulation space, the sufficient manoeuvring space of the proposed development could ensure that no vehicle would queue back on public roads, thus minimizing potential adverse traffic impact on the surroundings, as well as enhancing operational efficiency;

### *Contemporary Logistics Hub Development*

- (c) the Northern Metropolis Development Strategy published by the Government aims to transform the New Territories into a new economic engine for Hong Kong. In support of the government policy and taking advantage of the proximity of the Site to Mainland China, the applicant intends to develop the Site into a contemporary logistics hub. With the intention to adopt a robotic systems for efficient inventory management and organization, additional floor area is required to accommodate storage racks, conveyor belts, and robotic arms. It is anticipated that the proposed development could alleviate the pressing demand for local warehouse space and bring a positive impact on the efficiency, competitiveness, and growth of the logistics sector, contributing to Hong Kong's overall economic development;
- (d) the applicant's intention to expand the operation scale of his current business was put on hold by the Government's land resumption proposal for aforementioned developments. The proposed development at the Site offers an opportunity for the applicant to resume his expansion plan;

### *Effort in Identifying Suitable Sites for Relocation*

- (e) the applicant has spent effort in identifying suitable sites for relocation of his operations affected by the government developments;
- (f) while the applicant has identified a number of alternative sites in various areas including Tai Po, Ma Tso Lung, Yuen Long, and Ta Kwu Ling for relocation, those sites were considered not suitable due to various issues such as land use incompatibility, insufficient site area, and environmental consideration. The Site is considered the only suitable one for the relocation due to its flat topography and good accessibility to Heung Yuen Wai Highway via Lin Ma Hang Road;

No Adverse Environmental Impact on the Surroundings

- (g) the applicant undertakes to strictly comply with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Site’, ‘Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PNs) 1/94’, and other relevant environmental protection ordinances at all times during the planning approval period to minimize adverse environmental impacts and nuisance on the surrounding areas;

Landscape and Drainage Proposal

- (h) according to a site visit conducted on 21.12.2023, no old and valuable trees (OVTs) or protected tree species were identified at the Site. A landscape proposal involving a mix of tree species (**Drawing A-2**) is submitted by the applicant to plant 110 heavy standard trees along the boundary adjoining Lin Ma Hang Road to compensate the loss of trees, as well as to provide landscape screening along Lin Ma Hang Road. To minimize potential noise nuisance to the surrounding areas, a 2.5m high solid metal wall will be erected along the site boundary, and the applicant also undertake to strictly follow the proposed operation hours. To avoid adverse drainage impact, a drainage proposal (**Drawings A-3a and A-3b**) is submitted for the provision of drainage facilities to cater for additional runoff, including drainage channels and an underground water storage tank of at least 5,000m<sup>2</sup> (area) x 2m (depth).

Not Frustrating the Long-Term Planning Intention of the “REC” zone

- (i) although the Site falls within an area zoned “REC”, there is no known long-term recreational development at the Site within the applied planning period. The approval of the subject application on a temporary basis would better utilize deserted land in the New Territories;

Others

- (j) the convenient access of the Site to the Heung Yuen Wai Highway makes it advantageous for efficient movement of goods between Mainland China and Hong Kong. With the proposed development, it is expected to attract investment from diverse industries seeking to leverage on Hong Kong's strong business environment. Ultimately, this will contribute to promoting greater economic growth and fostering better integration between Mainland China and Hong Kong; and
- (k) the proposed development with additional floor space would create a substantial number of job opportunities in the New Territories. This will benefit residents by offering local employment options, reducing the need for long commutes to urban 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. 31B) by sending a notice to Ta Kwu Ling District Rural Committee and publishing notices in local newspapers. For the GL portion, TPB PG-No.31B is not applicable. Detailed information

would be deposited at the meeting for Members' inspection.

#### **4. Background**

A small part of the Site (about 419m<sup>2</sup>) is subject to planning enforcement actions against unauthorized development (UD) involving storage use (including deposit of containers) (No. E/NE-TKLN/72) (**Plan A-2**). Enforcement Notice was issued on 3.8.2022 requiring discontinuation of the UD. Site inspections after the EN expiry revealed that the UD has not been discontinued. It is currently under monitoring.

#### **5. Town Planning Board Guideline**

The TPG PG-No. 13G promulgated by the Board on 14.4.2023 are relevant to the application. The Site falls within Category 3 areas under the Guidelines. The relevant extracts of the Guidelines are at **Appendix II**.

#### **6. Previous Application**

6.1 A small part of the Site is the subject of a previous planning application (No. A/NE-TKLN/47) submitted by a different applicant for temporary open storage of construction equipment and materials, which was rejected by the Committee on 9.9.2022 for being not in line with the planning intention of the "REC" zone; and not complying with the then TPB PG-No. 13F in that there was no previous planning approval and the applicant failed to demonstrate that the development would not cause adverse traffic and landscape impacts on the surrounding areas.

6.2 Details of the previous application are at **Appendix III** and its location is shown at **Plan A-1**.

#### **7. Similar Application**

There is no similar application within the same "REC" zone in the vicinity of the Site in the Ta Kwu Ling North area.

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

8.1 The Site is accessible to Heung Yuen Wai Highway via Lin Ma Hang Road. It is partly hard paved and partly covered with vegetation, wild grass and tree groups.

8.2 The surrounding areas are of rural inland plains landscape character comprising farmlands, small houses, tree group clusters, temporary structures, and Liantang/ Heung Yuen Wai Boundary Control Point (LT/HYW BCP) is located to the northeast.

## **9. Planning Intention**

The planning intention of the “REC” zone is primarily for low-density recreational developments for 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.

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

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 respectively 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 IV and V** respectively.

10.2 The following government bureau supports the application.

### **Policy Support**

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of three existing brownfield operations for logistics centre, warehouse and container vehicle park in Hung Shui Kiu, Sha Po and Kwu Tung North, which would be displaced by various government development projects (i.e. Hung Shui Kiu/Ha Tsuen NDA, public housing development at Sha Po and Kwu Tung North NDA);
- (b) according to the applicant, a site search had been carried out with a view to identifying suitable site for re-establishment of the businesses and the current site is considered the most suitable after the site search. It is noted that the proposed site area and total floor area are larger than those of the existing operations combined. The applicant has clarified that compared with the existing operations without adequate circulation space, a significant portion of the application site (about 47%) is uncovered and designated for manoeuvring, parking of vehicles and circulation in support of the proposed development; and
- (c) according to the concerned departments, the proposed use is considered not entirely incompatible with the surrounding area and would not create insurmountable impacts in technical terms subject to imposition of appropriate approval conditions. To facilitate smooth clearance for the government projects and provide operating space for displaced brownfield operations still needed by the community, the application is supported from the policy perspective.

10.3 The following government departments have comments on the application/ conveyed local views on the application.

## **Landscape**

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

- (a) the Site is located in an area of rural inland plains landscape character comprising of farmlands, small houses, clusters of tree groups, vegetated areas, woodland within the “Green Belt” (“GB”) zone at the immediate east, and LT/HYW BCP at the northeast (**Plan A-1**). Due to large development area, noticeable change of landscape character within the “REC” zone is anticipated;
- (b) the Site is partly hard paved and partly covered with vegetation, wild grasses and tree groups of common and undesirable species. According to the Planning Statement, all existing trees will be affected and it is not proposed to retain any of the existing trees at the site. However, there is no information on the existing trees within the Site, proposed tree treatment and landscape treatment/ mitigation measures. Potential impact on the existing landscape resources cannot be ascertained; and
- (c) the applicant is advised to provide broad-brush survey with basic information (e.g. species, size, general conditions and tree photos) on existing trees within and along the site boundary, proposed tree treatment and proposed mitigation measures, if any, for the Board’s consideration. The applicant is also advised to review the proposed layout to preserve the trees as far as practicable.

## **Environmental**

### 10.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) according to the “Code of Practice on Handling the Handling Aspects of Temporary Uses and Open Storage Sites” (the COP), the application should not be supported as there are residential structures within 100m from the boundary of the Site (**Plan A-2**) and the use of container vehicles is involved; and
- (b) no environmental complaint against the Site has been received over the past three years.

## **Land Administration**

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

- (a) the application site comprises Old Schedule Agricultural Lots 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 GL is granted to the application site;

- (b) the following irregularity has been detected by his office:

Unauthorized structure(s) within the private lots

there are unauthorized structures on the private lots. The lot owners should immediately rectify the lease breaches and this office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

- (c) if the planning application is approved, the lot owners shall apply to this office for a Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structures to be erected within the said private lots and the occupation of the GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered.

**District Officer's Comments**

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

- (a) the Resident Representative (RR) of Chuk Yuen objects to the application;
- (b) the RR of Kan Tau Wai has no comment and expressed their concerns about fire safety and commented that sufficient drainage facilities should be provided to minimise flooding risk of their village; and
- (c) Ta Kwu Ling District Rural Committee, the Chairman of Fung Shui Area Committee, the Indigenous Inhabitant Representative (IIR) of Chuk Yuen, the IIR of Kan Tau Wai, the IIR and the RR of Tong Fong did not reply.

**11. Public Comments Received During Statutory Publication Periods**

On 19.12.2023, 26.1.2024 and 16.2.2024, the application was published for public inspection. During the statutory public inspection periods, seven public comments were received, including two comments from Kadoorie Farm and Botanic Garden expressing their concern about the development scale and not being in line with planning intention of the "REC" zone; an individual objecting the application mainly on the grounds of adverse landscape impact and inefficient use of land (**Appendix VIa**); three comments from the Chairman of Sheung Shui District Rural Committee indicating no comment on the application; and an individual raising queries about the potential impact on the accessibility to existing tombs (**Plan A-2**) and the site condition once the temporary use ends (**Appendix VIb**).

**12. Planning Considerations and Assessments**

- 12.1 The application is for a proposed temporary logistic centre, warehouse (excluding dangerous goods godown) and container vehicle park with ancillary facilities for a period of three years at the Site zoned "REC" on the OZP. The applied use is not in line

with the planning intention of the “REC” zone, which is primarily for low-density recreational developments for the use of the general public. Nevertheless, the recreational or related development has not been materialized since the Site was zoned “REC” upon the gazette of the first statutory plan for the area in 2010. This application is to facilitate the relocation of his three operations in Hung Shui Kiu, Sha Po, and Kwu Tung being affected by government projects. While the applicant has spent effort in identifying suitable sites to relocate the affected business to a number of alternative locations, those sites were considered not suitable due to various issues such as land use incompatibility, insufficient site area, and environmental consideration. While the proposed site area and total floor area are larger than those of the existing operations combined, SDEV noted that a significant portion of the Site (about 47%) is uncovered and designated for manoeuvring, parking of vehicles and circulation in support of the proposed development. To facilitate smooth clearance for the government projects and provide operating space for displaced brownfield operations still needed by the community, SDEV advised the application is supported from the policy perspective. Taking into account the planning assessments below, sympathetic consideration could be given to the proposed use on a temporary basis of three years.

- 12.2 The Site is partly hard paved and partly covered by vegetation, wild grass and tree groups of common and undesirable species. CTP/UD&L, PlanD advises potential impact on the existing landscape resources cannot be ascertained since there is no information on the existing trees within the site, proposed tree treatment and landscape treatment/ mitigation measures. While a noticeable change of landscape character is anticipated, it should be noted that the Site falls within the development zone of “REC” primarily for low-density recreational development. The Site is surrounded mainly by landscape character comprising farmlands, small houses, tree group clusters, temporary structures, and LT/HYW BCP to the northeast, the proposed use is considered not entirely incompatible with the surrounding area. According to the applicant, no OVTs or protected species was identified at the Site. To compensate the loss of trees, as well as to provide landscape screening for the general public, the applicant has proposed to plant 110 heavy standard trees of mixed tree species along the along the boundary adjoining Lin Ma Hang Road.
- 12.3 The Site is accessible to Heung Yuen Wai Highway via Lin Ma Hang Road. Having considered the information submitted by the applicant, C for T has no comment on the application. While DEP considers that the application should not be supported as the proposed development involves the use of heavy vehicles (i.e. container vehicles) and environmental nuisance on the sensitive receivers (i.e. residential buildings) in the vicinity of the Site is expected (**Plan A-2**), relevant approval conditions restricting the operation hours, no operation on Sundays and public holidays during the planning approval period, as well as the provision of a 2.5m high solid metal wall are recommended to address the concerns of DEP. The applicant would be advised to follow the environmental mitigation measures set out in the COP.
- 12.4 Having considered the site area and the surrounding conditions, CE/MN of DSD advises that should the application be approved, an approval condition (in para 13.2 (c)) requiring the submission of a drainage proposal before commencement of any construction works or operations which might induce adverse drainage impacts should be imposed. Other relevant government departments consulted, including DAFC, D of FS and CE/C of WSD, have no adverse comment on/ no objection to the application.

- 12.5 The Site falls within Category 3 areas under TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 3 areas: applications 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). Having considered that the open storage and port back-up uses have a role to play in Hong Kong's economy and provide considerable employment opportunities, and the operators/uses affected by resumption and clearance operations of the Government to make way for developments may face difficulties in finding a replacement site, sympathetic consideration could be given to those applications meeting the following criteria: (i) policy support is given by the relevant bureau(x) to the application for relocation of the affected uses/operations to the concerned sites; and (ii) no adverse departmental comments and local objections, or the concern could be addressed by approval conditions.

- 12.6 The application is generally in line with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected uses/operations to the Site, and that relevant departments consulted have no comment on/ no objection to the application or their concerns could be addressed by relevant approval conditions. Concerns of DEP can be addressed as stated in paragraph 12.3 above. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.7 Parts of the Site the subject of a previous application (No. A/NE-TKLN/47) submitted by different applicant for temporary open storage of construction equipment and materials which was rejected in 2022. While this previous application was rejected due to reasons including adverse traffic impact and not complying with the then TPB PG-No. 13F, it is considered that the planning circumstances of the current application are different from the rejected one given that policy support is given to the current application from SDEV; there is no adverse departmental comment or the concern can be addressed by relevant approval conditions; and it is generally in line with TPB PG-No. 13G as mentioned in paragraph 12.6 above.
- 12.8 Regarding the public comments received on the application as detailed in paragraph 11 above and comments conveyed by DO(N) of HAD, government departments' comments and planning assessments above are relevant.

### **13. Planning Department's Views**

- 13.1 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 9.3.4 and 10 above, the Planning Department considers that the proposed temporary use under application could be tolerated for a period of three years.
- 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 15.3.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

### Approval Conditions

- (a) no operation between 8:00 p.m. and 7:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the provision of 2.5m high solid metal wall along the site boundary, as proposed by the applicant, 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 15.12.2024;
- (d) the submission of a drainage proposal before the commencement of any construction works or operations including site formation works to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (e) in relation to (d) above, the provision of drainage facilities before the commencement of any operation to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (f) in relation to (e) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (g) 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 15.9.2024;
- (h) in relation to (g) 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 15.12.2024;
- (i) 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 15.9.2024;
- (j) in relation to (i) 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 15.12.2024;
- (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 15.9.2024;
- (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 15.12.2024;

- (m) if planning condition (d) is not complied with before the commencement of any construction works or operations including site formation works, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if planning condition (e) is not complied with before the commencement of any operation, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning condition (a), (b) or (f) 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
- (p) if any of the above planning condition (c), (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 V**.

13.3 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 in the Ta Kwu Ling North area, which is primarily for low-density recreation development for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from such 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.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 12.12.2023
<b>Appendix Ia</b>	FI received on 22.1.2024
<b>Appendix Ib</b>	FI received on 8.2.2024
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Government Departments' Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VIa and VIb</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Landscape Proposal
<b>Drawings A-3a to A-3b</b>	Drainage Proposal
<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 to A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
MARCH 2024**