

RNTPC Paper No. A/NE-TKLN/85A
For Consideration by the
Rural and New Town Planning
Committee on 6.9.2024

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

APPLICATION NO. A/NE-TKLN/85

<u>Applicant</u>	:	Hang Sing Limited represented by Lawson David & Sung Surveyors Limited
<u>Site</u>	:	Lots 1364 S.B RP and 1364 S.B ss.1 RP in D.D. 78, Lin Ma Hang Road, Ta Kwu Ling North, New Territories
<u>Site Area</u>	:	About 1,105m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zoning</u>	:	“Recreation” (“REC”)
<u>Application</u>	:	Proposed Temporary Warehouse (Storage of Building Materials and Metal) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (storage of building materials and metal) for a period of three years at the application site (the Site) which falls within an area zoned “REC” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or buildings not exceeding a period of three years within the “REC” zone requires planning permission from the Town Planning Board (the Board). The Site is fenced-off, vacant and covered with grass.
- 1.2 According to the applicant, the planning application is to facilitate the relocation of their business operation in Yuen Long being affected by government project, i.e. Yuen Long South New Development Area (YLS NDA) development. The affected operation involves a site area of about 728.4m² and a floor area of about 97m², and is currently used for the same use as the current application. It is anticipated that land resumption for the operation would take place in September 2024.
- 1.3 The Site is accessible via Lin Ma Hang Road (**Plan A-1**). According to the applicant, the proposed use, involving a total floor area of about 885m², comprises (i) a single-storey warehouse for storage of construction/ building materials (metal) with a height of about 13m and a floor area of about 607m²; (ii) an open-sided shelter with a height of about 13m and a floor area of about 276m² for vehicles parking, loading/unloading (L/UL) and manoeuvring; and (iii) a single-storey guard room with a height of about 2.5m and a floor area of about 2m². Two private car parking spaces and a L/UL bay for medium goods vehicle will be provided under the open-sided shelter. The Site will be fenced-off by a 2.5m high metal wall along the site boundary. No workshop activities will be carried out

within the Site. The proposed operation hours are between 9 a.m. and 7 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The proposed layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 According to the applicant, sufficient manoeuvring space will be provided within the Site such that no waiting or queuing of vehicle along Lin Ma Hang Road is anticipated. The proposed ingress/egress of the Site (**Drawing A-1**) will be constructed according to Highway Department's relevant standards. To ensure pedestrian's safety, road markings, signs and revolving lantern will be erected at the Site's ingress/egress. Staff will be deployed to manage the traffic entering and leaving the Site. The applicant also submitted drainage and fire service installations proposals in support of the application.
- 1.5 In support of the application, the applicant has submitted the following documents:
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|---|------------------------|
| (a) Application Form with attachments received on 24.4.2024 | (Appendix I) |
| (b) Supplementary Information received on 30.4.2024 | (Appendix Ia) |
| (c) Further Information (FI) received on 31.5.2024* | (Appendix Ib) |
| (d) FI received on 12.7.2024* | (Appendix Ic) |
- *accepted and exempted from the publication and recounting requirements*
- 1.6 On 21.6.2024, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months to address departmental comments.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed at **Appendices I and Ia** and summarized below:

- (a) the application is submitted to facilitate the relocation of the applicant's business for warehouse use which has been operating in Yuen Long since the early 2000s. The operation is affected by the YLS NDA and is required to be relocated before September 2024;
- (b) while the site area and the floor area of the proposed use (about 1,105m² and about 885m² respectively) are larger than those of the affected operation (a site area of about 728.4m² and a floor area of about 97m²), the proposed warehouse only occupies a floor area of about 607m². The area under the proposed open-sided shelter, with a floor area of about 276m², is designated for parking, L/UL, and manoeuvring of vehicles, which would prevent queuing of vehicles on the public road. In addition, the applicant has a genuine need for a larger relocation site to accommodate their stocks and meet the operational requirements;
- (c) while the applicant has spent efforts in identifying a number of alternative sites in various areas including Ta Kwu Ling, Sheung Shui and Tai Po for relocation, those sites were considered not suitable due to various issues such as land use incompatibility and technical constraint. The Site is considered suitable mainly in view of its locational advantage, being readily available, and with sufficient size to meet operational need;
- (d) the planning intention of the "REC" zone has not been materialized, and there is no known long-term recreational development at the Site or its surrounding area within the proposed approval period. Approval of the current application on a temporary basis would not frustrate the long-term planning intention of the "REC" zone, and the proposed use would better utilize the idle land;

- (e) the Site is located within the “Boundary Commerce and Industry Zone” under Northern Metropolis Action Agenda 2023. The application would allow the applicant to continue their business and support the construction industry in Hong Kong;
- (f) there is a similar approved application (No. A/NE-TKLN/77) involving warehouse use in the vicinity of the Site. The proposed use is considered not incompatible with the surrounding area; and
- (g) there is no existing tree within the Site. The existing trees outside the Site will be preserved to provide a soft landscaping for the proposed use. No adverse visual, traffic, drainage and environmental impacts arising from the proposed use 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.31B) by obtaining consents of two “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is not subject to any planning enforcement action.

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

- 6.1 There was a similar application (No. A/NE-TKLN/77) for proposed temporary logistic centre, warehouse (excluding dangerous goods godown) and container vehicle park with ancillary facilities for a period of three years falling within the same “REC” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee on 15.3.2024 mainly on considerations that the proposed use was to facilitate the relocation of business operations affected by government projects (including Hung Shui Kiu/Ha Tsuen NDA, Kwu Tung North NDA and public housing development at Sha Po) with the policy support of the Secretary for Development (SDEV); the proposed use was not entirely incompatible with the surrounding areas; it generally complied with the relevant TPB Guidelines; and there was no adverse departmental comment or their concerns could be addressed by relevant approval conditions.
- 6.2 Details of the similar application are summarized at **Appendix II** and its location is shown on **Plan A-1**.
- 6.3 There is another similar application for a proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years (No. A/NE-TKLN/86) within the same “REC” zone in the vicinity of the Site (**Plan A-1**), which will

be considered by the Committee at this meeting.

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

7.1 The Site is:

- (a) fenced-off, vacant and covered with grass; and
- (b) accessible via Lin Ma Hang Road.

7.2 The surrounding areas are of rural character mainly comprising active and fallow farmlands and tree clusters. Some domestic structures are found to the northeast of the Site.

8. Planning Intention

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

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 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 Secretary for Development (SDEV):

- (a) the application is to facilitate the relocation of a business operation for warehouse use in Yuen Long, which will be affected by the Second Phase development of YLS NDA (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 considered the most suitable relocation site. The applicant also claims that due to operation needs, the size of the Site is larger than the current site to be cleared by the Government; and
- (c) according to the concerned departments, the proposed use is not incompatible with surrounding land uses and would not create insurmountable impacts in technical terms subject to imposition of appropriate approval conditions. To facilitate smooth clearance for the project and provision of operating space for displaced brownfield operations still needed by the community, the application is supported from

the policy perspective.

- 9.3 The following government departments have comments on the application/ do not support the application and conveyed local views on the application:

Landscape

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

- (a) according to the aerial photos of 2023, the Site is vacant with no trees observed. According to the applicant, existing trees immediately outside the Site will not be affected. Significant adverse impact on the existing landscape resources within the Site arising from the proposed use is not anticipated; and
- (b) with reference to the aerial photo of 2023, the Site is located in an area of rural inland plains landscape character comprising farmlands, village houses, tree clusters and vegetated areas. There is a concern that approval of the application may alter the landscape character of the “REC” zone.

Environmental

- 9.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) according to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP), the application should not be supported as there are residential structures in the vicinity of the Site (domestic structures about 90m to the northeast of the Site) (**Plan A-2**) and use of heavy vehicles is involved;
- (b) should the application be approved, the applicant is advised to follow the relevant mitigation measures and requirements in the COP to minimize any potential environmental nuisances; and
- (c) no environmental complaint against the Site has been received over the past three years.

District Officer’s Comments

- 9.3.3 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

seven members of the North District Council (NDC) and the Resident Representative (RR) of Chuk Yuen indicate no comment on the application.

10. Public Comments Received During Statutory Publication Period

On 3.5.2024, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix V**). One comment from a member of the NDC indicates no comment on the application. Another comment from an individual objects to the application mainly on the grounds that it is a “destroy to build” application and

brownfield use should not be allowed in this area.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary warehouse (storage of building materials and metal) for a period of three years at the Site zoned “REC” on the OZP. The proposed 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, there is no known planned recreational development at the Site. According to the applicant, the application is to facilitate the relocation of their business operation in Yuen Long affected by YLS NDA. While the proposed site area is larger than that of the existing operation, SDEV notes that the applicant claims that a larger area is required to meet their operation needs. To facilitate smooth clearance for the project and provision of 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 and the policy support rendered by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 11.2 The Site is fenced-off, vacant and covered with grass. While CTP/UD&L of PlanD raises concern that approval of the application may alter the landscape character of the “REC” zone, she considers that significant adverse impact on the existing landscape resources within the Site arising from the proposed use is not anticipated. However, the Site falls within the development zone of “REC” primarily for low-density recreational development. The surrounding areas are of rural character mainly comprising active and fallow farmlands, domestic structures and tree clusters. To the southeast across Lin Ma Hang Road is the site of an approved similar application (No. A/NE-TKLN/77) involving temporary warehouse use. The proposed use is considered not entirely incompatible with the surrounding area. According to the applicant, the existing trees immediate outside the Site would be preserved to provide a soft landscaping for the proposed use.
- 11.3 The Site is accessible via Lin Ma Hang Road. Having considered the FI submitted by the applicant, Commissioner for Transport has no comment on the application, and approval condition on the implementation of the proposed traffic management measures is recommended in paragraph 12.2 below. DEP considers that the application should not be supported as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected. In this regard, the applicant would be advised to follow the environmental mitigation measures set out in the COP in the Recommended Advisory Clauses at **Appendix IV**. Other relevant departments consulted, including Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department, have no objection to/no adverse comment on the application.
- 11.4 There was a similar application (No. A/NE-TKLN/77) for proposed temporary logistic centre, warehouse (excluding dangerous goods godown) and container vehicle park with ancillary facilities located in the vicinity of the Site. The application was approved with conditions by the Committee on 15.3.2024 mainly on consideration that it was to facilitate the relocation of business operation affected by government projects with policy support from SDEV; the proposed use was not entirely incompatible with the surrounding areas and generally complied with the relevant TPB Guidelines; and there was no adverse departmental comment or their concerns could be addressed by relevant approval conditions. The planning circumstances of the current application are similar to those of

the approved application. As such, approval of the current application is in line with the Committee's previous decision.

- 11.5 Regarding the public comments on the application as detailed in paragraph 10, government bureau/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 local comments conveyed by DO(N) of HAD and the public comments in paragraphs 9.3.3 and 10 above respectively, the Planning Department considers that the proposed use could be tolerated for a period of three years.
- 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 6.9.2027. 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 6.3.2025;
- (b) in relation to (a) 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 6.6.2025;
- (c) in relation to (b) above, the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 6.6.2025;
- (e) 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 6.6.2025;
- (f) if the above planning condition (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 low-density recreational developments 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 the 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 with Attachment received on 24.4.2024
Appendix Ia	Supplementary Information received on 30.4.2024
Appendix Ib	FI received on 31.5.2024
Appendix Ic	FI received on 12.7.2024
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos