

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

**APPLICATION NO. A/NE-TKLN/93**

- Applicant** : Mr. CHAN Kam Wah represented by R-riches Property Consultants Limited
- Site** : Lot 87 RP (Part) in D.D. 82, Lin Ma Hang Road, Ta Kwu Ling North, New Territories
- Site Area** : About 1,126m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : 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 for a period of three years at the application site (the Site) zoned “REC” on the OZP (**Plan A-1**). According to the covering 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 largely vacant and hard-paved with a temporary structure.
- 1.2 The Site is accessible via a local track leading to Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises a two-storey structure (building height of about 13m) with a total floor area of about 1,422m<sup>2</sup> for warehouse (excluding dangerous good godown) storing miscellaneous goods (e.g. packaged food, apparel, footwear, electronic goods, furniture, construction materials, machineries, etc.), site office and washroom. One parking space for private car and two loading/unloading spaces for light goods vehicle will be provided at the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. A 2.5m metal wall will be erected along the site boundary to minimise nuisance to the surrounding areas. Traffic management measures, including deployment of staff to manage the traffic and provision of traffic signs at the junction to Lin Ma Hang Road and the entrance/exit of the Site to ensure traffic/pedestrian safety are proposed. The layout plan submitted by the applicant is shown in **Drawing A-1**

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

- |     |   |                      |
|-----|---|----------------------|
| (a) | Application Form with attachment received on 8.1.2025 | <b>(Appendix I)</b>  |
| (b) | Further Information (FI) received on 5.2.2025*        | <b>(Appendix Ia)</b> |
| (c) | FI received on 13.2.2025*                             | <b>(Appendix Ib)</b> |
- \* 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 and FIs at **Appendices I to Ib**, as summarised below:

- (a) the applicant would like to utilise the Site for warehouse to support the local warehousing and storage industry;
- (b) the proposed use is not incompatible with the surrounding areas. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “REC” zone; and
- (c) the proposed use will not create significant nuisance to the surrounding areas. The applicant will strictly comply with all environmental protection/pollution control ordinances at all times during the planning approval period and follow the ‘Code of Practices on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) issued by the Environmental Protection Department (EPD). The applicant undertakes to apply Short Term Wavier (STW) to the Lands Department (LandsD) upon obtaining planning approval.

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

## **4. Background**

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

## **5. Previous Application**

The Site is not subject to any previous application.

## **6. Similar Applications**

- 6.1 There are three similar applications within the same “REC” zone in the vicinity of the Site in the past five years for proposed temporary logistic centre, warehouse and container vehicle park (No. A/NE-TKLN/77) and proposed temporary warehouse (No. A/NE-TKLN/85 and 86), which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 15.3.2024 and 20.9.2024 mainly on the considerations that the proposed use was to facilitate the relocation of business operations affected by government projects (i.e. Hung Shui Kiu/Ha Tsuen New

Development Area (NDA), Kwu Tung North NDA, public housing development at Sha Po, Yuen Long South NDA, and Northern Link Main Line) with the policy support of the Secretary for Development (SDEV); the proposed use was not entirely incompatible with the surrounding areas; no major adverse departmental comments was received or the concerns of the relevant government departments could be addressed through imposition of approval conditions; and it generally complied with the relevant Town Planning Board Guidelines (for Application No. A/NE-TKLN/77 only).

- 6.2 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 to A-4b)**

- 7.1 The Site is:

- (a) largely vacant and hard-paved with a temporary structure; and
- (b) accessible via a local track leading to Lin Ma Hang Road.

- 7.2 The surrounding areas are of rural character comprising mainly active and fallow agricultural land and domestic structures (to the immediate east and southeast). Ta Kwu Ling Police Station is located to the further southwest.

## **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 Departments**

- 9.1 Apart from the government department as set out in paragraph 9.2 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 department has adverse comments on the application:

### **Land Administration**

- 9.2.1 Comments of the District Lands Officer/North, LandsD (DLO/N, LandsD):

- (a) she has adverse comments on the application;
- (b) the 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 Government land (GL) is granted to the Site;

- (c) the following irregularity covered by the planning application has been detected by her office:

unauthorised structure within the said private lot covered by the planning application

LandsD has reservation on the planning application since there is an unauthorised structure on the private lot which is already subject to lease enforcement actions according to case priority. The lot owner should rectify/regularise the lease breaches as demanded by LandsD; and

- (d) if the planning application is approved, the lot owner shall apply to her office for STW to permit the structure erected/to be erected within the said private lot. The application for STW will be considered on whole lot basis by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee from the first date of unauthorised structure was erected and administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered.

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

On 17.1.2025, the application was published for public inspection. During the statutory public inspection period, seven public comments were received (**Appendix V**). Six public comments from five individuals and a resident of Lin Ma Hang object to the application mainly on the grounds that the addition of car parking facilities would have adverse impacts on traffic and pedestrian safety; and the Board should reject brownfield operations in the area and enforcement action should be taken against unauthorised development. The remaining 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. 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 and encourages the development of active and/or passive recreation and tourism/eco-tourism. Notwithstanding the above, taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character mainly comprising active and fallow agricultural land and domestic structures. The proposed use is considered not entirely incompatible with the surrounding areas. The Chief Town Planner/Urban Design and Landscape of Planning Department considers that significant adverse impact on the landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated and she has no adverse comment on the application from the landscape planning perspective.

- 11.3 Relevant government departments consulted, including the Commissioner for Transport, Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. The applicant will also be advised to follow the COP and to meet the statutory requirements under relevant pollution control ordinances to minimise potential environmental impacts caused by the proposed use on the surrounding areas. Regarding DLO/N, LandsD's concern on the unauthorised structure erected within the Site, the applicant will be advised to liaise with LandsD on the land administration matters should the Committee approve the application.
- 11.4 Three similar applications for temporary warehouse use within the same "REC" zone 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 applications. As such, approval of the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comments as detailed in paragraph 10, the proposed use is not for car parking facilities and 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 28.2.2028. 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 28.8.2025;
- (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 28.11.2025;
- (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 28.8.2025;
- (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 28.11.2025;

- (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**

<b>Appendix I</b>	Application Form with Attachments received on 8.1.2025
<b>Appendix Ia</b>	FI received on 5.2.2025
<b>Appendix Ib</b>	FI received on 13.2.2025
<b>Appendix II</b>	Similar Applications
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>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