

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/688

- Applicant** : Sky Union Recycle Company represented by R-riches Property Consultants Limited
- Site** : Lots 1255 RP (Part), 1256 (Part) and 1257 RP (Part) in D.D. 79, Ta Kwu Ling, New Territories
- Site Area** : About 3,358 m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
- Zoning** : “Open Storage” (“OS”)
- Application** : Temporary Wholesale Trade with Ancillary Warehouse for a Period of 5 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a temporary wholesale trade with ancillary warehouse for a period of five years (**Plan A-1**). The Site falls entirely within an area zoned “OS” on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14. According to the Notes of the OZP, ‘Wholesale Trade’ in the “OS” zone is a Column 2 use requiring planning permission from the Town Planning Board (the Board). The Site is currently used as the applied use without a valid planning permission.
- 1.2 According to the applicant, the temporary development comprises two one-storey structures of about 6-9 m in height with a total floor area of about 2,258 m² for wholesale trade/ancillary storage of goods and site office purposes respectively, with the remaining area reserved for circulation space and car park (**Drawing A-1**). Five private car parking spaces (four for staff and one for visitors) and three loading/unloading spaces (two for light goods vehicles and one for medium goods vehicles) are provided at the Site. The operation hours are from 9:00 a.m. to 6:00 p.m. on Mondays to Saturdays with no operation on Sundays and public holidays. The Site is accessible from Ng Chow Road via the ingress/egress in the northeast (**Plan A-2**). The proposed layout plan submitted by the applicant is shown on **Drawing A-1**.

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

- (a) Application Form with Attachments received on 28.10.2021 (Appendix I)
- (b) Supplementary Information (SI) received on 29.10.2021 (Appendix Ia)
- (c) Further Information (FI) received on 24.2.2022 (Appendix Ib)
(accepted and exempted from publication)

1.4 On 24.12.2021, the Committee agreed to the applicant's request to defer making a decision on the application for two months to allow more time for the applicant to address departmental comments. The FI submission was received on 24.2.2022 and the application is scheduled for consideration by the Committee at this meeting.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SI submission and FI submission at **Appendices I to Ib** and summarised below:

- (a) the applicant operates a wholesale trade business for food and beverages to serve retailers in Hong Kong;
- (b) since the development is on a temporary basis, it will not frustrate the long-term planning intention of the "OS" zone;
- (c) no adverse traffic impact arising from the proposed development is anticipated, with eight vehicular trips to be generated during morning and afternoon peaks respectively. Sufficient space will be provided for vehicles to manoeuvre smoothly to/from and within the Site to ensure no queuing and turning back of vehicles outside the Site. No heavy goods vehicles, including container tractors and trailers, will be used;
- (d) no excavation works are required for erection of the temporary structures at the Site; and
- (e) the temporary development will not create adverse environmental, landscape and drainage impacts on the surrounding areas. Adequate mitigation measures, i.e. submission of drainage, FSIs and landscape proposals; compliance with the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP); etc., will be provided to mitigate any adverse impacts arising from the proposed development.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is not a "current land owner" of the Site 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. 31A) by posting site notices and sending notices to the Ta Kwu Ling District Rural Committee by registered post. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to active enforcement action. However, site conditions will be closely monitored according to the established procedures.

5. Previous Application

There is no previous application for the Site.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-TKL/634 & 663) for proposed temporary wholesale trade with ancillary storage/warehouse for a period of five years within/partly within the “OS” zone on the OZP in the past five years. They were approved with conditions by the Committee on 18.12.2020 and 28.5.2021 respectively mainly on the grounds that the proposed temporary developments would not jeopardise the long-term planning intention of the “OS” zone; not incompatible with the surrounding areas; tolerable impact induced by the proposed developments; and the concerns of relevant government departments could be addressed through implementation of approval conditions.
- 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 4b)

7.1 The Site is:

- (a) fenced off, paved and currently used as the applied use; and
- (b) abutting Ng Chow Road.

7.2 The surrounding areas have the following characteristics:

- (a) to the immediate north and west are a stream, cultivated and fallow agricultural land;
- (b) to the further north are some temporary domestic structures;
- (c) to the east are mainly vacant land and temporary domestic structures;
- (d) to the south are some temporary domestic structures and two vegetated knolls; and
- (e) to the further southeast is a temporary wholesale trade with warehouse development, which is the subject of the approved application (No. A/NE-TKL/634) mentioned in paragraph 6.1 above.

8. Planning Intention

The planning intention of the “OS” zone is primarily for the provision of land for appropriate open storage uses and to regularise the already haphazard proliferation of open storage uses. It provides for the orderly development of land for open storage uses which cannot be accommodated in conventional godown premises.

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 in **Appendices III and IV** respectively.
- 9.2 The following government departments have objection to/reservation on the application.

Environment

9.2.1 Comments of the Director of Environmental Protection (DEP):

- (a) the application is not supported since there are sensitive receivers (i.e. domestic structures) in the vicinity of the Site and the closest one is located at a distance of about 20 m (**Plan A-2**);
- (b) there was no environmental complaint against the Site during the past three years; and
- (c) DEP’s other advisory comments are provided in the Recommended Advisory Clauses in **Appendix IV**.

District Officer’s Comment

9.2.2 District Officer (North), Home Affairs Department (DO(N), HAD) has consulted the locals on the application with the following comments:

- the incumbent North District Council member of the subject constituency, the Chairman of Fung Shui Area Committee, the Inhabitant Representative (IIR) of Ping Che, the Resident Representative (RR) of Ping Che and the RR of Wo Keng Shan have no comment. The 1st Vice-Chairman of Ta Kwu Ling District Rural Committee, the IIR of Wo Keng Shan, 4 IIRs of Ping Yeung and the RR of Ping Yeung raise objection on the grounds that Ng Chow Road is too narrow for heavy goods vehicles and the temporary development would cause adverse traffic impact and pose threats to pedestrian safety; and the Site is in close proximity to the nearby stream course, which may lead to adverse environmental impacts.

10. Public Comments Received During Statutory Publication Period (Appendix V)

On 5.11.2021, the application was published for public inspection. During the statutory public inspection period, two public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. An individual raises objection mainly on the grounds of adverse traffic, deteriorated living conditions, environmental and fire safety impacts.

11. Planning Considerations and Assessments

11.1 The application is for a temporary wholesale trade with ancillary warehouse for a period of 5 years at the Site zoned “OS” on the OZP. The temporary development is not in conflict with the planning intention of the “OS” zone as set out in paragraph 8 above. Given that the development is only on a temporary basis, approval of the application would not jeopardise the long-term planning intention of the “OS” zone.

11.2 The temporary development is considered not incompatible with the surrounding areas comprising mainly temporary domestic structures, warehouses and vacant land. CTP/UD&L of PlanD has no comment on the application as the Site falls within a non-landscape sensitive zone. DEP does not support the application as there are sensitive receivers (i.e. domestic structures) in the vicinity of the Site and the closest one is located at a distance of about 20 m (**Plan A-2**). To address the concern of DEP on possible environmental nuisance to be generated by the temporary use under application, relevant approval conditions restricting the operation hours and prohibiting operation on Sundays and public holidays are recommended. The applicant would also be advised to follow the environmental mitigation measures as set out in the revised “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” (COP). Having reviewed the FI submitted by the applicant, C for T considers that the traffic impact induced by the temporary development, with eight vehicular trips to be generated during the morning and afternoon peaks respectively, is tolerable from traffic engineering viewpoint subject to implementation of traffic management measures as proposed by the applicant. Other relevant government departments consulted, including CE/MN of DSD and D of FS, have no objection to or no adverse comment on the application.

11.3 There are two approved similar applications (Nos. A/NE-TKL/634 & 663) for proposed temporary wholesale trade with ancillary storage/warehouse for a period of five years within/partly within the “OS” zone on the OZP (see paragraph 6.1 above). The planning circumstances of the current application are similar to them.

11.4 Regarding the local comments conveyed by DO(N), HAD and adverse public comments as detailed in paragraphs 9.2.2 and 10 above respectively, the government departments’ comments and the 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 local comments conveyed by DO(N), HAD and public comments mentioned in paragraphs 9.2.2 and 10 respectively, 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 five years until 22.4.2027. The following conditions of approval and advisory clauses are also suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 9:00 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 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 22.10.2022;
- (d) in relation to (c) 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 22.1.2023;
- (e) the submission of proposals for water supplies for fire-fighting and fire service installations 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 22.10.2022;
- (f) in relation to (e) above, the implementation of proposals for water supplies for fire-fighting and fire service installations 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 22.1.2023;
- (g) the implementation of 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 22.1.2023;
- (h) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) 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 There is no strong reason to recommend rejection of the application.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 attachments received on 2.8.2021
Appendix Ia	SI received on 29.10.2021
Appendix Ib	FI received on 24.2.2022
Appendix II	Similar applications
Appendix III	Government departments' general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Proposed layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plans A-4a & A-4b	Site photos

**PLANNING DEPARTMENT
APRIL 2022**