

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/776

<u>Applicant</u>	: Lau Tak Kee Motor Engineering and Equipment Limited represented by URBIS Limited
<u>Site</u>	: Lots 887, 890 S.A RP, 890 RP and 890 S.B in D.D. 77 and Adjoining Government Land (GL), Ping Che, Sheung Shui, New Territories
<u>Site Area</u>	: About 3,496m ² (including GL of about 84m ² or 2.4% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<u>Zonings</u>	: (i) "Open Storage" ("OS") (about 2,447m ² or 70% of the Site) (ii) area shown as 'Road' (about 1,049m ² or 30% of the Site)
<u>Application</u>	: Temporary Warehouse (Storage of Building Design Mock-Ups with Ancillary Rural Workshop and Cold Store of Vegetables, Fruits and Foods) for a Period of Three Years

1 The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse for building design mock-ups with ancillary rural workshop and cold store of vegetables, fruits and foods for a period of three years at the application site (the Site). The Site falls within an area mainly zoned "OS" (about 70%) with the remaining portion in an area shown as 'Road' (about 30%) on the OZP (**Plan A-1**). According to the Notes of the OZP, 'Warehouse (excluding Dangerous Goods Godown)'¹ is always permitted within the "OS" zone. According to the covering Notes of the OZP, in any area shown as 'Road', all uses or developments require planning permission from the Town Planning Board (the Board). The Site is currently occupied by a warehouse for storage of building design mock-ups with ancillary workshop and ancillary facilities.
- 1.2 The Site is accessible via a local track leading to Ng Chow South Road (**Plan A-1**). According to the applicant, the applied use involves six single-storey structures (not more than 8.6m in height) with a total floor area of about 2,260m² for warehouse with ancillary rural workshop and supporting facilities (i.e. guard rooms, toilet, electrical room, transformer and switch room, switch room for fire service installations and pump house) (**Drawing A-1**). For the warehouse with a floor area of about 2,110m², about 1,660m² is

¹ Including the storage of building design mock-ups and cold store uses.

for storage of full-size mock-ups of various interior rooms and prefabricated steel components for a building construction project (including ancillary workshop for assembling the interior mock-ups) and about 450m² is for a proposed cold store for storage of vegetables, fruits and foods.² There will be two parking spaces for private cars and two parking spaces for light goods vehicle (the latter will also serve as loading/unloading bays). 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. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant proposes traffic management measures including arrangement of a security guard to guide vehicles to the parking spaces to ensure no queueing of vehicles outside the Site and alert pedestrians to ensure pedestrian safety. Also, proper signage indicating the pedestrian route/footpath and a security guard will be provided. The applicant has also submitted an as-built drainage plan (**Drawing A-2**), photos of the existing drainage condition at the Site and a sprinkler system layout plan (**Drawing A-3**) to support the application.
- 1.4 The Site is the subject of four previously approved applications (No. A/NE-TKL/143, 363, 453 and 516) for temporary open storage/warehouse/cold store uses. The last application No. A/NE-TKL/516 submitted by the same applicant as the current application for temporary cold store (storage of vegetables, fruits and foods) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 4.9.2015. The planning approval was subsequently revoked on 4.6.2017 due to non-compliance with the approval condition on the provision of water supplies for firefighting and fire service installations (FSIs). Compared with the last approved application, the current application is subject to similar layout and development parameters, with addition of storage of building design mock-ups and ancillary rural workshop use.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 6.9.2024 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 10.9.2024 (**Appendix Ia**)
 - (c) Further Information (FI) received on 18.10.2024[^] (**Appendix Ib**)

[^]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, SI and FI at **Appendices I to Ib** and summarised below:

- (a) majority of the Site is zoned “OS” where planning permission from the Board for warehouse use is not required. While the remaining portion of the Site falls within an area shown as ‘Road’, there is no planned implementation programme for the proposed road. As the applied use is temporary in nature, it will not jeopardise the area shown as ‘Road’ on the OZP;

² Currently, the entire warehouse is occupied by the storage of building design mock-ups. The applicant proposes that part of the warehouse will be used for cold store.

- (b) the applied use is generally compatible with the surrounding environment with the provision of environmental mitigation measures such as restriction of operational hours and housing the applied use within the enclosed warehouse. Existing drainage facilities are provided and maintained at the applicant's own expense. No unacceptable environmental, drainage and traffic impacts on the surrounding areas are expected;
- (c) similar planning applications were approved in the "OS" zone and area shown as 'Road' on the same OZP. No undesirable precedent will be set; and
- (d) the applicant has complied with all the approval conditions under the previous application No. A/NE-TKL/516 except the condition on the provision of FSIs as the applicant did not have enough advisory support to go through the administrative process at that time to demonstrate compliance with the condition. The applicant has nevertheless implemented water supplies for fire-fighting and FSIs at the Site and has submitted a sprinkler system layout plan and site photos to support the current application. The applicant commits to comply with any necessary approval condition(s) for the subject application.

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

The applicant is one of the "current land owners" of the Site and 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 from another "current land owner". Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the "Owner's Consent/Notification" requirements are not applicable.

4 Background

The applied use, which is neither a use permitted under the OZP nor a use with planning permission granted by the Board, would be subject to enforcement action under the Town Planning Ordinance.

5 Previous Applications

- 5.1 The Site is the subject of four previously approved applications (No. A/NE-TKL/143, 363, 453 and 516) for temporary open storage/warehouse/cold storage uses which were approved with conditions by the Committee between 2001 and 2015.
- 5.2 Application Nos. A/NE-TKL/363, 453 and 516 submitted by the same applicant as the current application for temporary warehouse for storage of furniture (for the former two applications) and cold store for storage of vegetables, fruits and foods (for the latter application) were approved with conditions by the Committee between 2011 and 2015 mainly on the considerations that approval of the applications on a temporary basis would not frustrate the implementation programme of the road designated on the OZP; the proposed uses were not incompatible with the surrounding land uses; and there were no major adverse departmental comments or the concerns of relevant departments could be addressed through imposition of approval conditions. For the last approved application No. A/NE-TKL/516, the planning approval was subsequently revoked on 4.6.2017 due to non-compliance with approval condition on provision of FSIs. Compared with the last approved application, the current application is subject to similar layout and development

parameters, with the addition of storage of building design mock-ups and ancillary rural workshop use.

- 5.3 Application No. A/NE-TKL/143 for temporary open storage of container trailers was approved with conditions by the Committee on 2.3.2001. As the application is for a different use, the planning considerations are considered not applicable to the current application.
- 5.4 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6 Similar Applications

- 6.1 There were two similar applications which straddle “OS” zone and area shown as ‘Road’ in the vicinity of the Site in the past five years. Applications No. A/NE-TKL/606 for renewal of planning permission for temporary warehouse (storage of tools related to engineering works of overhead cables) and dog kennel and No. A/NE-TKL/686 for temporary storage of metal hardware with ancillary workshop were approved with conditions by the Committee in 2019 and 2021 respectively mainly on the considerations similar to those mentioned in paragraph 5.2 above.
- 6.2 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.3 There is another similar application for renewal of planning approval for temporary storage of metal hardware with ancillary workshop for a period of three years (Application No. A/NE-TKL/775) straddling “OS” zone and area shown as ‘Road’ 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-4)

- 7.1 The Site is:
- (a) fenced-off, hard-paved and occupied by a warehouse with ancillary workshop and ancillary facilities; and
 - (b) accessible via a local track leading to Ng Chow South Road.
- 7.2 The surrounding areas are of rural character comprising mainly temporary structures, warehouses, open storage yards and car repair workshops. Some domestic structures are located to the northwest and southwest of the Site.

8 Planning Intention

Area shown as ‘Road’ is intended for road/road improvement works.

9 Comments from Relevant Government Departments

All 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 in **Appendices IV** and **V** respectively.

10 Public Comments Received During Statutory Publication Period

On 13.9.2024, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). One comment from a member of the North District Council indicates no comment on the application. Another comment from an individual objects to the application mainly on the grounds that the previous application at the Site was revoked and the applied use is operating without planning approval.

11 Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse for storage of building design mock-ups with ancillary rural workshop and cold store of vegetables, fruits and foods for a period of three years at the Site zoned “OS” (about 70%) and an area shown as ‘Road’ (about 30%) on the OZP. While warehouse use is always permitted within the “OS” zone, all uses or developments require planning permission from the the Board in area shown as ‘Road’. In this regard, the Project Manager (North), Civil Engineering and Development Department, Commissioner for Transport (C for T) and Director of Highways have no adverse comment on the application. Given the applied use is on a temporary basis, approval of the application for a period of three years would not frustrate the planning intention of the proposed road designated on the OZP.
- 11.2 The Site is situated in an area of rural character comprising mainly temporary structures, warehouses, open storage yards and car repair workshops and domestic structures. The applied use is considered not incompatible with the surrounding areas. Relevant government departments consulted, including the C for T, Director of Environmental Protection, Director of Fire Services (D of FS) and Chief Engineer/Mainland North, Drainage Services Department have no objection to/no comment on the application.
- 11.3 The Site is the subject of four previously approved applications for temporary open storage/warehouse/cold store uses. The last application No. A/NE-TKL/516 for temporary cold store for storage of vegetables, fruits and foods submitted by the same applicant as the current application was approved with conditions by the Committee on 4.9.2015. Compared with the last approved application, the current application is subject to similar layout and development parameters, with the addition of storage of building design mock-ups and ancillary rural workshop use. The planning approval was subsequently revoked on 4.6.2017 due to non-compliance with the approval condition on the provision of FSIs. The applicant explained that they did not have enough advisory support to go through the administrative process at that time to demonstrate compliance with the condition. In the current application, the applicant submitted a sprinkler system layout plan and site photos and D of FS has no in-principle objection to the application. Should the Committee decide to approve the application, the applicant will be advised that should they fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further application.
- 11.4 Regarding the public comments on the application as detailed in paragraph 10, 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 comment in paragraph 10 above, the Planning Department has no objection to the application 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 25.10.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of an updated condition record of the implemented drainage facilities at the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.1.2025;
- (b) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) 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 25.4.2025;
- (d) in relation to (c) 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 25.7.2025;
- (e) 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 25.7.2025;
- (f) if the above planning condition (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
- (g) if any of the above planning condition (a), (c), (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 V**.

- 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 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 Attachments received on 6.9.2024
Appendix Ia	SI received on 10.9.2024
Appendix Ib	FI received on 18.10.2024
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix VI	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	As-built Drainage Plan
Drawing A-3	Sprinkler System Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2024**