

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/780

<u>Applicant</u>	: Sunwacork Insulation Materials Supplies Limited represented by Centaline Property Agency Limited
<u>Site</u>	: Lots 497, 498, 499 and 500 in D.D. 87, Ping Che, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 1,892m ²
<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>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse for Storage of Construction Materials for a Period of Three Years

1 The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials for a period of three years at the application site (the Site) which falls within an area zoned “AGR” 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 requires planning permission from the Town Planning Board (the Board). The Site is vacant, fenced-off and hard-paved¹.
- 1.2 The Site is accessible via a local track leading from Ping Che Road (**Plan A-1**). According to the applicant, the proposed use involves three single-storey structures of about 3 to 5m in height with a total floor area of about 750m² for a warehouse for storing construction materials, an ancillary office and a toilet. The construction materials are non-polluted and non-dangerous in nature and will be stored entirely within covered structures. One private car parking space and one loading/unloading (L/UL) bay for medium goods vehicle will be provided within the Site. The operation hours are between 9:00 a.m. and 5:30 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant proposes traffic management measures including deploying traffic regulator near the access of the Site to control traffic, organising L/UL activities in advance and using road signs to alert drivers and pedestrians. The layout plan submitted by the applicant is shown in **Drawing A-1**.

¹ According to record, the Site zoned “AGR” has been formed before the date of imposing a land filling clause pertaining to the zone under the draft Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/10 gazetted on 29.4.2005.

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

- | | | |
|-----|------------------------------------------------------------|----------------------|
| (a) | Application Form with attachments received on 7.10.2024 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 10.10.2024 | (Appendix Ia) |
| (c) | Further Information (FI) received on 3.2.2025 [^] | (Appendix Ib) |

[^]accepted and exempted from publication and recounting requirements

1.4 On 6.12.2024, 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.

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**, as summarised below:

- (a) the proposed use is considered compatible with the land uses in the surrounding areas comprising mainly open storage yards and warehouses. Considering that open storage and warehouse uses are located adjacent to the Site, the planning intention of "AGR" zone may hardly be accommodated in short term;
- (b) the temporary nature of the proposed use for a period of three years will not influence the long-term planning intention of the "AGR" zone;
- (c) no agricultural activities have been found on the Site. No complaint related to the storage use at the Site was received for over 30 years;
- (d) similar planning applications were approved in the "AGR" zone on the same OZP. No undesirable precedent will be set; and
- (e) the applicant will strictly follow Environmental Protection Department's latest policies and comply with all environmental protection/ pollution control ordinances. No adverse environmental, drainage, landscape and traffic impacts are expected. The applicant will apply to the Lands Department (LandsD) for Short Term Waiver (STW) for erection of structures upon approval of the application.

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

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4 Background

The Site is largely the subject of an active enforcement case No. E/NE-TKL/495 regarding unauthorized storage use (**Plan A-2**). An Enforcement Notice (EN) was issued on 2.7.2024 requiring the discontinuation of the unauthorized development (UD). Recent site inspection revealed that the Site was vacant. The Site is under monitoring by the Planning Authority according to the current planning enforcement procedures.

5 Previous Applications

- 5.1 Part of the Site is the subject of two previous applications (No. A/DPA/NE-TKL/2 and 28) which were both rejected by the Board on review in 1992. Application No. A/DPA/NE-TKL/28 for warehouse for the storage of cork was rejected mainly on the grounds that the track to the site was too narrow to cope with the traffic generated; the proposed development was not compatible with the planning intention for the area zoned of “Unspecified Use”; the proposed site coverage was considered excessive; and the applicant did not provide enough details to support the application. As regards application No. A/DPA/NE-TKL/2 for insulation materials processing factory, as the application was for a different use, the planning considerations of the said application are not relevant to the current application which is for temporary warehouse use.
- 5.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6 Similar Applications

- 6.1 There were eight similar applications (No. A/NE-TKL/695, 721, 737, 757, 762, 768, 779 and 784) for temporary warehouse use involving six sites within the same “AGR” zone in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee between 2022 and 2025 mainly on the considerations that no major adverse departmental comments were received on the applications or the concerns of the relevant government departments could be addressed through imposition of approval conditions; the applications complied with the relevant Town Planning Board Guidelines; and policy support was given to facilitate the relocation of the applicant’s business affected by government project (for applications No. A/NE-TKL/721 and 779 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-4)

- 7.1 The Site is:
- (a) vacant, fenced-off and hard-paved; and
 - (b) accessible via a local track leading from Ping Che Road.
- 7.2 The surrounding areas are of rural character comprising mainly temporary structures, warehouses, storage uses, active/fallow agriculture land and an orchard. Some domestic structures are located to the north, west and south of the Site (the nearest on the immediate north and south). A “Green Belt” (“GB”) zone is located to the east of the Site.

8 Planning Intention

The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9 Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraph 9.2 below, other 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 at **Appendices IV and V** respectively.

9.2 The following government departments do not support the application:

Agriculture

9.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):

- (a) the application is not supported from agricultural perspective; and
- (b) the Site falls within the “AGR” zone. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

Environment

9.2.2 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 (the nearest on the immediate north and south) (**Plan A-2**) and the use of heavy vehicles is involved;
- (b) no environmental complaint against the Site was received in the past three years; and
- (c) his advisory comments are at **Appendix V**.

10 Public Comments Received During Statutory Publication Period

On 15.10.2024, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Two comments from World Wide Fund - Hong Kong and an individual object to the application mainly on the grounds that the Site has been used for brownfield operation without planning approval; the Site is located adjacent to a “GB” zone; and the Board should consider if the Site is subject to unauthorized development. One comment from Kadoorie Farm & Botanic Garden Corporation suggests the Board to consider if the proposed use would have any implication to the nearby active farmlands and if the Site is subject to any ongoing enforcement cases. 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 for storage of construction materials for a period of three years at the Site zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, taking into account the planning assessments below, there is no objection to the proposed use on temporary basis of three years.
- 11.2 The Site is situated in an area of rural character comprising mainly temporary structures, warehouses, storage uses, active/fallow agriculture land, an orchard and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective. She considers that the proposed use is not incompatible with the surrounding environment and significant adverse impact on existing landscape resources within the Site is not anticipated.
- 11.3 While DEP does not support the application 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, the applicant will be advised to follow the environmental mitigation measures set out in the COP to minimise any potential environmental nuisance caused by the proposed use. Other relevant departments consulted, including the Commissioner for Transport (C for T), Director of Fire Services, Chief Engineer/Mainland North of Drainage Services Department, Chief Engineer/Construction of Water Supplies Department and District Lands Officer/North, LandsD, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.4 Part of the Site is the subject of two previous applications. Application No. A/DPA/NE-TKL/28 was rejected by the Board on review in 1992 mainly on the grounds as detailed in paragraph 5.1 above, including that the track to the site was too narrow to cope with the traffic generated and the applicant did not provide enough details to support the application. In this regard, C for T has no objection to the current application. Besides, in view of the change in planning circumstances since 1992, it is considered that the planning considerations of application No. A/DPA/NE-TKL/28 are not applicable to the current application.
- 11.5 There were eight similar applications within the same “AGR” zone in the vicinity of the Site in the past five years, which were all approved with conditions by the Committee as detailed in paragraph 6.1. 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.
- 11.6 Regarding the public comments on the application as detailed in paragraph 10, 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 28.3.2028. 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 28.9.2025;
- (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 28.12.2025;
- (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 28.9.2025;
- (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 28.12.2025;
- (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;
- (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; and
- (h) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The Recommended Advisory Clauses are at **Appendix V**.

- 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 “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. 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 Attachments received on 7.10.2024
Appendix Ia	SI received on 10.10.2024
Appendix Ib	FI received on 3.2.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	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

**PLANNING DEPARTMENT
MARCH 2025**