

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/782

- Applicant** : 進一物流有限公司
- Site** : Lots 444 (Part), 445 (Part), 446 (Part), 449 (Part), 450 (Part), 451 (Part), 452 (Part), 453 (Part), 456 (Part), 457 (Part), 458, 461 (Part), 462 (Part), 463 (Part), 464 (Part), 466, 468 (Part), 469 (Part), 470 (Part) and 471 (Part) in D.D. 77 and Adjoining Government Land (GL), Ping Che, Ta Kwu Ling, New Territories
- Site Area** : About 9,510m² (including GL of about 168m² or 1.8% of the Site)
- 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
- Zonings** : (i) “Open Storage” (“OS”) (about 90.5% of the Site)
(ii) Area shown as ‘Road’ (about 9.5% of the Site)
- Application** : Proposed Temporary Warehouse for Storage of Food for a Period of Three Years

1 The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of food for a period of three years at the application site (the Site). The Site falls within an area mainly zoned “OS” (about 90.5%) with the remaining portion in an area shown as ‘Road’ (about 9.5%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Warehouse (excluding Dangerous Goods Godown)’ 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 fenced-off, formed and vacant.
- 1.2 The Site is accessible via Ng Chow Road leading to Ping Che Road (**Plan A-1**). According to the applicant, the proposed use involves five single-storey structures of not more than 14.9m in height with a total floor area of about 5,256m² for warehouse (mainly for storage of canned food and packaged fruits, office, guard room, toilet and fire pump room. No meat will be stored and no food processing, washing or cooking will be carried out at the Site. One parking space for light goods vehicles (LGVs) and three loading/unloading apces for medium goods vehicles (MGVs) will be provided within 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. The layout plan submitted

by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant proposes traffic management measures including deploying staff to manage traffic flow at the Site and requiring prior appointment for entry of goods vehicles to ensure no queueing of vehicles outside the Site. During peak hours, staff will also be deployed at Ng Chow Road to control traffic. Signs and revolving lights will be installed at the Site to ensure pedestrian safety.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 21.10.2024 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 23.10.2024 **(Appendix Ia)**
 - (c) Further Information (FI) received on 22.1.2025[^] **(Appendix Ib)**

[^]accepted and exempted from publication and recounting requirements

- 1.5 On 20.12.2024, 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 can better utilise the land resources. As the proposed use is temporary in nature, the Site can be easily reinstated;
- (b) the proposed use is compatible with the surrounding land uses and will not jeopardise the future planning intention. The locals have been consulted and no objection has been received;
- (c) no unacceptable environmental, sewerage and traffic impacts on the surrounding areas are expected. The applicant will follow the mitigation measures and requirements in the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP). The drainage system, fire service installations, fencing and environmental hygiene of the Site will be properly maintained; and
- (d) the applicant will follow up on Short Term Waiver and Short Term Tenancy applications for the proposed use with the Lands Department.

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 publishing notices in local newspapers and sending site notice to Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, TPB PG-No. 31B is not applicable.

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 were three similar applications involving two sites 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/686, 775 and 776) for various temporary warehouse/ storage uses were approved with conditions by the Committee between 2021 and 2024 mainly on the considerations that approval of the applications would not frustrate the planning intention of the proposed road designated on the OZP; the applied uses were not incompatible with the surrounding land uses; and no major adverse departmental comments were received or the concerns of the relevant government departments could be addressed through imposition 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 A-4b)

- 7.1 The Site is:
- (a) fenced-off, formed and vacant; and
 - (b) accessible via Ng Chow Road from the northeast leading to Ping Che Road.
- 7.2 The surrounding areas are of rural character comprising mainly temporary structures, warehouses and open storage yards within the “OS” zone. Domestic structures are located to the west and southwest of the Site within an “Industrial (Group D)” zone. “Green Belt” zones are located to the further east and west of the Site.

8 Planning Intention

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

9 Comments from Relevant Government Departments

- 9.1 Apart from the government department 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 III** and **IV** respectively.
- 9.2 The following government department does not support the application:

Environment

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

- (a) according to the COP, the application should not be supported as there are domestic structures in the vicinity of the Site (the nearest one about 10m to the southeast of the Site) (**Plan A-2**) and the 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 latest COP to minimise any potential environmental nuisances;
- (c) one substantiated environmental complaint related to waste against the Site was received in 2021; and
- (d) his advisory comments are at **Appendix IV**.

10 Public Comment Received During Statutory Publication Period

On 29.10.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received from a member of the North District Council indicating no comment on the application (**Appendix V**).

11 Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of food for a period of three years at the Site zoned “OS” (about 90.5%) and an area shown as ‘Road’ (about 9.5%) on the OZP. While ‘Warehouse (excluding Dangerous Goods Godown)’ 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) of Civil Engineering and Development Department, Commissioner for Transport and Director of Highways have no adverse comment on the application. Given the proposed 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 located in an area of rural character comprising mainly temporary structures, warehouses, open storage yards and domestic structures. The proposed use is considered not incompatible with the surrounding areas. 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. Other relevant government departments consulted, including the Director of Fire Services, Chief Engineer/Mainland North of Drainage Services Department and the Director of Food and Environmental Hygiene have no objection to/no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 12.2 below.
- 11.3 There were three similar applications which straddle “OS” zone and area shown as ‘Road’ in the vicinity of the Site in the past five years. They were all approved with conditions

by the Committee as mentioned 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.

- 11.4 There is one public comment received indicating no comment on the application as detailed in paragraph 10.

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 14.2.2028. 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 14.8.2025;
- (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 14.11.2025;
- (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 14.8.2025;
- (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 14.11.2025;
- (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 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 21.10.2024
Appendix Ia	SI received on 23.10.2024
Appendix Ib	FI received on 22.1.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2025**