

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/784

<u>Applicant</u>	: Super Honest Engineering Limited represented by Lawson David & Sung Surveyors Limited
<u>Site</u>	: Lots 128 S.A and 128 S.B RP in D.D. 84, Ping Che, New Territories
<u>Site Area</u>	: About 1,415m 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 and Open Storage of Construction Materials for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse and open storage of construction materials for a period of three years and associated filling of land 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 and filling of land within “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is fenced-off, largely paved and vacant.
- 1.2 The Site is accessible via a local track leading from Ping Che Road (**Plan A-1**). According to the applicant, the proposed uses include three single-storey structures of not more than 12m in height with a total floor area of about 452m² for warehouses for storage of construction materials (i.e. iron frames) and toilet. A minor portion at the northern part of the Site (about 85m² or 6% of the Site) is proposed for open storage of construction materials (i.e. iron frames). No workshop activities will be conducted at the Site. Two private car parking spaces and one loading/unloading (L/UL) bay for medium goods vehicle will be provided within the Site. The operation hours of the proposed uses 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 also applies for filling of land of the entire Site with not more than 1.2m in depth of soil and concrete on the top (**Drawing A-2**). The applicant will relocate some

of the existing trees planted by the applicant within the Site to the edge of the Site to facilitate the operation of the proposed uses. The applicant proposes traffic management measures such as requiring prior appointment for entry of goods vehicles and all goods vehicles to leave the Site after L/UL activities; deploying on-site staff to manage traffic flow; and providing revolving warning light at the site access to ensure pedestrian safety. Environmental mitigation measures including maintaining the existing 2.5m tall corrugated metal fencing and wire meshes along the site boundary are also proposed. The applicant has submitted a drainage proposal and a fire service installations (FSIs) proposal to support the application (**Drawings A-3 and A-4**).

1.4 The Site is part of a previous application No. A/NE-TKL/304 for proposed temporary open storage of packaged used computer parts with ancillary office which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 7.3.2008. Details of the application are set out in paragraph 5 below.

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

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|-----|---|----------------------|
| (a) | Application Form with attachments received on 19.11.2024 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 21.11.2024 | (Appendix Ia) |
| (c) | Further Information (FI) received on 14.1.2025 [^] | (Appendix Ib) |
| (d) | FI received on 18.2.2025 [^] | (Appendix Ic) |
| (e) | FI received on 27.2.2025 [^] | (Appendix Id) |

[^]accepted and exempted from publication and recounting requirements

1.6 On 10.1.2025, the Committee 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 FIs at **Appendices I to Id**, as summarised below:

- (a) the proposed uses help maintain the supply of land for warehouse and open storage uses and provide a temporary solution to meet the pressing demand of warehouse and open storage facilities in the northeastern New Territories. The proposed uses support the applicant's construction business which will in turn support the local construction industry;
- (b) the proposed uses are not incompatible with the surrounding land uses which consist mainly of open storage and warehouse uses. The Site is unsuitable for agricultural rehabilitation and the proposed uses will allow more efficient use of scarce land resource in Hong Kong;
- (c) there were similar planning approvals for warehouse and open storage uses in the same "AGR" zone. Approval of the application is considered acceptable and is in line with the Board's previous decisions; and
- (d) no adverse traffic, environmental and drainage impacts on the surrounding areas are anticipated. 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).

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 not subject to any active planning enforcement action.

5. Previous Application

- 5.1 The Site is part of the subject of a previous application No. A/NE-TKL/304 for proposed temporary open storage of packaged used computer parts with ancillary office, which was rejected by the Committee on 7.3.2008 mainly on the grounds of not complying with the then Town Planning Board Guidelines for ‘Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance’ (TPB PG-No. 13D)¹ in that no previous planning approval was granted to the site and there were adverse departmental comments; there was insufficient information to demonstrate that the proposed use would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There were seven similar applications (No. A/NE-TKL/695, 721, 737, 757, 762, 768 and 779) for temporary warehouse use involving five 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 III** and their locations are shown on **Plan A-1**.

¹ The application site of application No. A/NE-TKL/304 fell within the Category 3 areas under the then TPB PG-No. 13D. Under the prevailing TPB PG-No. 13G, the Site falls within the Category 2 areas.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

7.1 The Site is:

- (a) fenced-off, largely paved and vacant; and
- (b) accessible via a local track leading from Ping Che Road.

7.2 The surrounding areas are of rural character comprising mainly vacant land, fallow/active agricultural land, open storage yard, warehouses and domestic structures. Ping Yuen River is located to the immediate north and east of the Site.

8. Planning Intention

8.1 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.

8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

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 and Nature Conservation

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

- (a) the application is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” zone and is generally vacant. 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; and
- (c) the Site is largely paved. Ping Yuen River is located to the immediate east of the Site. While he has no comment on the application from nature conservation perspective, the applicant is reminded to adopt good site practice to avoid adverse impact on Ping Yuen River should the application be approved.

Environment

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

- (a) according to the COP, the application should not be supported as there are residential structures in the vicinity of the Site (nearest one about 30m to the west) (**Plan A-2**) and the use of heavy vehicles is involved;
- (b) he has no objection to the filling of land from environmental perspective;
- (c) no environmental complaint against the Site was received in the past three years; and
- (d) his advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 26.11.2024, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix VI**). Three comments from Kadoorie Farm & Botanic Garden Corporation, The Conservancy Association and an individual object to the application mainly on the grounds that the proposed uses are not in line with the planning intention of the “AGR” zone; the Site is subject to a previously rejected application; there is an absence of information on how the land would be recovered upon expiry of the planning approval; the proposed uses cause potential adverse drainage impact and disturbance on Ping Yuen River; open storage use should not be located close to watercourse; and the Board is recommended to investigate whether the Site is subject to any unauthorised uses/activities/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 and open storage of construction materials for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed uses are 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. Taking into account the planning assessments below, there is no objection to the proposed uses on temporary basis of three years with associated filling of land.
- 11.2. The application involves filling of land at the whole Site with not more than 1.2m in depth of soil and concrete on the top. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint, while the DEP has no objection to the filling of land from environmental perspective. In view that the Site is adjacent to Ping Yuen River, the applicant is advised to follow good site practice and avoid causing adverse impact on the

river as set out in the Recommended Advisory Clause in **Appendix V**. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 11.3. The Site is situated in an area of rural character comprising mainly vacant land, fallow/active agricultural land, open storage yard, warehouses and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources within the Site is not anticipated.
- 11.4. While DEP does not support the application as the proposed uses involve 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 uses. Other relevant departments consulted, including the Commissioner for Transport, Director of Fire Services, Chief Engineer/Construction of Water Supplies Department and District Lands Officer/North of Lands Department, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.5. The Site is part of the subject of a previous application No. A/NE-TKL/304 for proposed temporary open storage of packaged used computer parts and ancillary office. The application was rejected by the Committee on 7.3.2008 mainly on the grounds that it did not comply with the then TPG PG-No.13D. The planning circumstances of the current application with majority of the Site for warehouse use (only a minor portion of about 85m² or 6% of the Site for open storage) are different from the rejected application.
- 11.6. There were seven 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 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.
- 11.7. Regarding the public comments as detailed in paragraph 10 above, comments from the government departments 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 14.3.2028. 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 14.9.2025;
- (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 14.12.2025;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the implementation of the accepted 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 14.12.2025;
- (e) 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;
- (f) if any of the above planning condition (a), (b) or (d) 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
- (g) 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 uses with associated filling of land are 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.

Attachments

Appendix I	Application Form with Attachments received on 19.11.2024
Appendix Ia	SI received on 21.11.2024
Appendix Ib	FI received on 14.1.2025
Appendix Ic	FI received on 18.2.2025
Appendix Id	FI received on 27.2.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2025**