

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/40

- Applicant** : Fugo Furniture Trading Co. represented by Metro Planning & Development Company Limited
- Site** : Lots 589 and 590 RP in D.D. 90, Lin Ma Hang Road, Ta Kwu Ling, New Territories
- Site Area** : About 580m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/5 (currently in force)
- Approved Man Kam To OZP No. S/NE-MKT/4 (at the time of submission)
- Zoning** : “Agriculture” (“AGR”)
- [No change to the “AGR” zone under the current OZP]
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials and Furniture 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 for storage of construction materials and furniture for a period of three years and associated filling of land at the application site (the Site). The Site 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 the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and largely vacant.
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of a business operation at the original site in Shan Ha Tsuen affected by Yuen Long South New Development Area (YLS NDA) which will be resumed by the Government. The affected operation is for storage of construction materials, involving a site area of about 550m² as claimed by the applicant.
- 1.3 The Site is abutting Lin Ma Hang Road to the southeast (**Plan A-2**). According to the submission, the proposed use consists of one single-storey temporary structure of not

exceeding 8.5m in height with a total floor area of not more than 480m². One loading/unloading space (7m (L) x 3.5m (W)) for light goods vehicles (LGV) is proposed within the Site. The operation hours of the proposed use are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No workshop activities are proposed within the Site. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 According to the applicant, an ingress/egress with 6m wide is proposed at the south of the Site (**Drawing A-1**) and sufficient space will be provided within the Site for manoeuvring of vehicles. According to the traffic management measures proposed by the applicant (**Appendix Ib**), no drop bar will be provided at the Site to ensure no queuing back of vehicles outside the Site; traffic signs will be provided at the ingress/egress of the Site to ensure pedestrian safety; an advance booking of L/UL space will be required to prevent illegal parking; and a watchman will be deployed to instruct the LGV entering the Site and to ensure that there is no queuing/parking of vehicles outside the Site. No medium/heavy goods vehicle and container trailer/tractor will access the Site.
- 1.5 The applicant also applies for regularisation of land filling of the entire site with concrete by about 0.2m in depth for site formation purpose (**Drawing A-2**). A drainage proposal (**Drawing A-3**), with the provision of a 300mm surface U-channel along the site periphery and catchpits at the Site, is submitted by the applicant in support of the application. The intercepted stormwater shall discharge to the existing drainage system to the east of the Site. The proposed use is setback 3m away from the streamcourse to the north of the Site. A gap of 0.1m will be reserved at the toe of site hoarding to allow unobstructed flow of surface runoff. All the proposed drainage facilities will be provided and maintained at the applicant's own expense.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 16.8.2024 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Further Information (FI) received on 29.11.2024* (**Appendix Ib**)
 - (d) FI received on 2.12.2024* (**Appendix Ic**)
 - (e) FI received on 7.3.2025* (**Appendix Id**)
 - (f) FI received on 21.3.2025 and 24.3.2025* (**Appendix Ie**)

** accepted and exempted from publication and recounting requirements*

- 1.7 On 4.10.2024 and 24.1.2025, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application as requested by the applicant for two months each.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS and FIs at **Appendices I to Ie**, as summarised below:

- (a) the proposed use is to facilitate the relocation of brownfield operations (i.e. storage of construction materials) affected by YLS NDA. The applicant wishes to relocate the business to the Site to continue the business operation;

- (b) the applicant has conducted site search process to identify suitable site for the relocation of the affected operation and the Site is considered most suitable for relocation. As compared with the original site in Shan Ha Tsuen, the Site of about 580m² with the total floor area of not more than 480m² under the current application represents an increase in operational space, as the Site is the available option for relocating the business operation and allows for the inclusion of the L/UL space and space for vehicle manoeuvring to support operational needs;
- (c) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where warehouses were commonly found along Lin Ma Hang Road;
- (d) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (e) there was a similar precedent case (application No. A/NE-MKT/17¹) approved by the Committee in the same “AGR” zone; and
- (f) no significant adverse impacts in terms of environmental, traffic, drainage, etc. are anticipated. The applicants will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (the COP) issued by the Environmental Protection Department and comply with the relevant mitigation measures and requirements.

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 obtaining consents from two land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not the subject of any active enforcement action.

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

- 6.1 There were eight similar applications (No. A/NE-MKT/25, 26, 29, 31, 34, 35, 37 and 39) for temporary warehouse with or without open storage and/or associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). Amongst them, four applications (No. A/NE-MKT/35 to the southwest and No. A/NE-

¹ Application No. A/NE-MKT/17 is for proposed temporary rural workshop (timer yard and sawmill) for a period of three years which was approved with conditions by the Committee on 30.4.2021. As the current application is for a different use, the planning considerations of the said application are not applicable to the current application.

MKT/34, 37 and 39 to the northeast of the Site) were approved by the Committee between July 2024 and January 2025 respectively mainly on considerations that the applications were to facilitate relocation of business operations affected by government projects (i.e. Kwu Tung North (KTN) and YLS NDA) and the Secretary for Development (SDEV) rendered policy support to the applications; there were no major adverse departmental comments on the applications; and the proposed uses were not entirely incompatible with the surrounding uses.

- 6.2 The other four applications (No. A/NE-MKT/25, 26, 29 and 31) were all rejected by the Committee/the Board on review in 2023 mainly for the reasons of being not in line with the planning intention of the “AGR” zone; and being failed to demonstrate that the proposed uses would not induce adverse traffic, environmental, drainage, landscape and/or slope safety impacts on the surrounding areas.
- 6.3 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 and A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

- 7.1 The Site is:
 - (a) currently fenced-off, largely hard-paved and vacant;
 - (b) located close to an existing watercourse in the north running in an east-west direction; and
 - (c) abutting Lin Ma Hang Road to the southeast.
- 7.2 The surrounding areas mainly comprise temporary domestic structures, storage yards, warehouses, active/fallow agricultural land, vegetated areas and tree clusters. To the southwest is a temporary warehouse for storage of timber and other associated materials covered with a valid planning permission under application No. A/NE-MKT/35. To the further northwest of the Site is a densely vegetated knoll zoned “Green Belt” (“GB”), which is a permitted burial ground for indigenous villagers.

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 of the “AGR” zone, as filling of land 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 Bureau/Departments

9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 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 bureau supports the application:

Policy Support

9.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of business operations for construction materials business in Yuen Long, which will be affected by the YLS Second Phase Development;
- (b) according to the applicant, a site research has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere to pave way for the clearance under the YLS NDA, and the Site under the current application is the most suitable relocation site. The applicant also claims that the Site, which is larger than their current facility, is the only suitable site identified after a thorough site search and is necessary to accommodate their operational needs; and
- (c) in view of the above and subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.3 The following government departments object to/do not support or have concerns on the application.

Land Administration

9.3.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
- (c) the following irregularity covered by the application has been detected by his office:

Unauthorised structure within Lot 590 RP in D.D. 90 covered by the application

there is an unauthorised structure within Lot 590 RP in D.D. 90. The lot owner should immediately rectify the lease breaches and his office

reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (d) the following irregularity not covered by the application has been detected by his office:

Unlawful occupation of GL not covered by the application

the GL adjoining the said private lots has been fenced off without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice. For direct grant of Short Term Tenancy (STT) of the adjoining GL to the applicant for temporary uses, prior policy support from the relevant bureau has to be obtained. As the application does not provide any details on the policy support, the comments from the relevant bureau should be sought, especially the application highlights the existing business operation is affected by the YLS NDA;

- (e) the low owners/applicant shall either cease the illegal occupation of the GL not covered by the application immediately; or include the adjoining GL being illegally occupied in the application for the further consideration by the relevant departments, and subject to the approval of the Board to the application and subject to the availability of policy support which shall have reflected the rectification or amendment as aforesaid required, apply to his office for Short Term Waiver (STW) and STT to permit the structure erected/to be erected and the occupation of the GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date the erection of authorised structure/occupation of GL and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the low owners/applicant for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (f) unless and until the unlawful occupation of GL are duly rectified by the lot owner/applicant, it should be taken as his office's objection to the application which must be brought to the attention of the Board when they consider the application;
- (g) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owner/applicant should remove the unauthorised structures and cease the illegal occupation of GL immediately; and
- (h) his advisory comments are at **Appendix IV**.

Agriculture

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

- (a) the proposed use is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” zone and is generally vacant; and
- (c) 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.

Landscape

9.3.3 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) according to the aerial photo of 2023, the Site is located in an area of rural inland plains landscape character comprising of temporary structures, vegetated areas, clusters of tree groups and woodlands within the “GB” zone to the west and east; and
- (b) based on aerial photo of 2023 and site photos taken in 2024, the site is hard-paved and occupied by some containers with no significant sensitive landscape resources. Change of the landscape character and adverse impact on the existing landscape resources have taken place.

10. Public Comments Received During Statutory Publication Period

On 23.8.2024, the application was published for public inspection. During the statutory public inspection period, eight public comments were received (**Appendix V**). Amongst them, six comments including one from Ta Kwu Ling District Rural Committee, three from Indigenous Inhabitant Representatives and Resident Representatives of San Uk Ling/Muk Wu, one from Kadoorie Farm and Botanic Garden and one from an individual object to the application. Major grounds of the objection are that the proposed use would cause environmental degradation as well as adverse drainage and traffic impacts; the Site is not the subject of any previous application; and the proposed use does not comply with Town Planning Board Guidelines No. 13G; and the Site is involved in an ongoing enforcement case. The remaining two public comments from two members of the North District Council indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of construction materials and furniture for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1**). The applied 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 agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nonetheless, the current application is submitted to facilitate the relocation of brownfield operations affected by the YLS NDA; and the Site is identified by the applicant as the most suitable relocation site to support the business operation, SDEV tenders support to the application subject to no adverse comments on land use compatibility and technical aspects from concerned departments. Taking into account the planning assessments below and with the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.

- 11.2 The applicant also applies for regularisation of land filling of the entire Site with concrete by about 0.2m in depth for site formation purpose (**Drawing A-2**). Filling of land within “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 and Director of Environmental Protection have no objection to the application from public drainage viewpoint and environmental perspective respectively. 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, being situated in an area of rural character mainly comprising temporary domestic structures, open storage yards, warehouses, active/fallow agricultural land, vegetated areas and tree clusters, is currently fenced-off, largely hard-paved and vacant (**Plans A-2, A-3, A-4a and A-4b**). The proposed use is considered not entirely incompatible with the surrounding land uses. CTP/UD&L, PlanD advises that change of the landscape character and adverse impact on the existing landscape resources have taken place. The Site is hard-paved with no significant sensitive landscape resource.
- 11.4 Other relevant government departments consulted including the Director of Fire Services and the Chief Engineer/Mainland North, Drainage Services Department, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively. To minimise any possible environmental nuisance, the applicants will also be advised to follow the environmental mitigation measures as set out in the latest COP. Regarding the DLO/N, LandsD’s concern on the unauthorised structures erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There were eight similar applications within the same “AGR” zone in vicinity of the Site in the past five years (**Plan A-1**). In particular, there were four similar applications (No. A/NE-MKT/34, 35, 37 and 39) related to the relocation of brownfield operations affected by government projects which were approved with conditions by the Committee between July 2024 and January 2025 mainly on the considerations as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. As such, approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments mentioned 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 2.5.2028. 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 2.11.2025;
- (b) in relation to (a) above, the implementation of the 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 2.2.2026;
- (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 2.11.2025;
- (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 2.2.2026;
- (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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:
- the proposed use with associated filling of land 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 such 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 received on 16.8.2024
Appendix Ia	SPS
Appendix Ib	FI received on 29.11.2024
Appendix Ic	FI received on 2.12.2024
Appendix Id	FI received on 7.3.2025
Appendix Ie	FI received on 21.3.2025 and 24.3.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
MAY 2025**