

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/89

- Applicant** : Ying Shing (Hopewell) Engineering Company Limited
- Site** : Various Lots in D.D. 80 and Adjoining Government Land (GL), Ta Kwu Ling North, New Territories
- Site Area** : About 18,500m² (including GL of about 350m², or about 1.9% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Warehouse (Timber and Other Associated Materials) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (timber and other associated materials) for a period of three years at the application site (the Site) zoned “REC” 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 within the “REC” zone requires planning permission from the Town Planning Board (the Board). The Site is largely formed, partly fenced-off and vacant with a portion being occupied by temporary structures and open storage of construction materials without valid planning permission (**Plan A-4b**).
- 1.2 According to the applicant, he is authorised by Kin Hing Timber Engineering Limited (建興木業工程有限公司) and Chi Kee Sawmill & Timber Limited (志記鋸木廠有限公司) to submit the current application to facilitate the relocation of their business operations in Kwu Tung affected by government project, i.e. Kwu Tung North New Development Area (KTN NDA). The affected operations involve two sites with an area of about 3,400m² and 4,000m² respectively.
- 1.3 According to the submission, the proposed use comprises eight single-storey structures with building height of not more than 7.5m and a total floor area of about 1,800m² for warehouse storing timber and other associated materials. Two loading/unloading (L/UL) bays (one for light goods vehicles and one for medium goods vehicles) are proposed within the Site. Two accesses (one each for ingress and egress) are proposed on the south

of the Site connecting to Lin Ma Hang Road (**Plan A-2**)¹. The operation hours are between 9:00 a.m. and 5:30 p.m. from Mondays to Fridays, with no operations on Saturdays, Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 The applicant proposes traffic management measures, including installations of speed limit signs, flashing lights and alarms at the entrance and exit of the Site to ensure traffic and pedestrian safety. Noting that the Site is overlooked by steep natural terrain and taking into account the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD), the applicant has designated a ‘no-build’ zone² at the southern part of the Site (**Plan A-2**), in which only tree planting and access road would be provided (**Drawing A-1**). A landscape plan proposing to retain three existing trees and to plant 28 new trees at the Site (**Drawing A-1**) is submitted by the applicant to support the application.
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | |
|--|---------------|
| (a) Application Form with Attachments received on 2.9.2024 | (Appendix I) |
| (b) Supplementary Information (SI) received on 5.9.2024 | (Appendix Ia) |
| (c) Further Information (FI) received on 9.9.2024* | (Appendix Ib) |
| (d) FIs received on 28.10.2024 and 29.10.2024* | (Appendix Ic) |
| (e) FI received on 22.11.2024* | (Appendix Id) |
| (f) FI received on 3.12.2024^ | (Appendix Ie) |
| (g) FIs received on 18.3.2025 and 19.3.2025^ | (Appendix If) |
| (h) FIs received on 21.3.2025, 22.3.2025 and 24.3.2025* | (Appendix Ig) |
- * *accepted and exempted from publication and recounting requirements*
^ *accepted but not exempted from publication and recounting requirements*
- 1.6 On 25.10.2024 and 24.1.2025, 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 each.

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 Ig**, as summarised below:

- (a) due to the development of KTN NDA, the affected premises need to be relocated by end September 2025. The two affected operators have spent effort in identifying suitable sites for relocation of their business operations. While various alternative sites in Yuen Long, Hung Lung Hang and Man Kam To areas have been identified, they were not suitable in view of land use constraints and insufficient site area. Having taken into account various considerations, such as rent, site area and impact on nearby residents, the Site is considered suitable for relocation;
- (b) the Site is zoned “REC” and far away from residential dwellings. The proposed use would not cause adverse landscape impact and affect the nearby residents;

¹ Both proposed accesses are not yet formed and partly covered with vegetation.

² According to the H(GEO), CEDD’s advice, the ‘no-build’ zone on the southern part of the Site covers an area of about 6,700m² (about 37.9% of the Site).

- (c) the Site is primarily for storing timber. No visitors will be allowed to enter the Site. Sufficient L/UL bays will be provided and staff is expected to take public transport to the Site. No adverse traffic impact is anticipated. The operators of the proposed use also intend to hire the nearby residents for operation, which would help the economy of the area; and
- (d) upon approval of the planning application, the applicant will submit application to the Lands Department (LandsD) to occupy the GL. For the private lots encircled by the Site, the applicant advises that they will not be blocked and vehicular access will be allowed. The applicant also claims that land owner's consent for using the concerned private lots for internal access has been obtained.

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 sending notice to the Ta Kwu Ling District Rural Committee by registered mail and publishing newspaper notice. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31B is not applicable.

4. Background

According to the latest site inspection, temporary structures with storage items were found at the Site. Warning letter was posted on the Site on 9.4.2025. The storage use on the Site may be subject to planning enforcement action.

5. Previous Application

There is no previous application covering the Site.

6. Similar Applications

- 6.1 There were three similar applications (No. A/NE-TKLN/29, 31 and 79) for proposed temporary warehouse and open storage of containers; temporary logistics warehouse; and temporary warehouse for storage of construction materials falling within the same “REC” zone in the vicinity of the Site in the past five years. All applications were rejected by the Committee on 17.1.2020, 6.3.2020 and 19.7.2024 respectively mainly on the grounds that the proposed use was not in line with the planning intention of the “REC” zone; and/or the applicant failed to demonstrate that the proposed use would not generate adverse traffic and/or drainage impacts on the surrounding areas. Besides, the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) had reservation/raised concern on these rejected applications from landscape planning perspective.
- 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-4c)

7.1 The Site is:

- (a) largely formed, partly fenced-off and vacant. A portion of the Site is occupied by temporary structures and open storage of construction materials without valid planning permission. The north-eastern part of the Site is covered with vegetation; and
- (b) accessible via a local track on the south of the Site leading to Lin Ma Hang Road.

7.2 The surrounding areas are of rural character mainly comprising temporary structures, tree clusters, a few domestic structures and vacant land. Some temporary structures are encircled by the Site.

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

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 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 the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of two brownfield operations situated at KTN. The brownfield operations have been/will be affected by KTN NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the site under the current application is considered most suitable for relocation; and
- (c) subject to concerned departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective.

9.3 The following government departments object to/ do not support the application:

Land Administration

9.3.1 Comments of the District Land Officer/North, LandsD (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 allow to be erected without the prior approval of the Government. No right of access via GL is granted to the Site;
- (c) no consent is given for inclusion of GL (about 350 m² mentioned in the application) in the Site. The applicant should be reminded that any occupation of GL without Government's prior approval is an offence. For direct grant of Short Term Tenancy (STT) of the adjoining GL to the applicant for the proposed temporary use, prior policy support from the relevant bureau has to be obtained. The application does not provide any details on the policy support. Comments from relevant bureau should be sought, especially the application highlights that the existing business operations are affected by the development of KTN NDA;
- (d) the applicant should obtain consent from the lot owners for using the Lots (namely Lot Nos 531, 533, 518, 516 S.D and others) to access the proposed use as this concerns private right of third parties. The proposal isolates a cluster of existing operations straddling on about seven lots;
- (e) the following irregularity covered by the planning application has been detected by his office:

unauthorised structures within the said private lots covered by the planning application

there are unauthorised structures on the private lots. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

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

unauthorised structures within the said private lots not covered by the planning application

there are unauthorised structures within the said private lots not covered by the subject planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (g) the lot owners/applicant shall either (i) remove the authorised structures not covered by the subject planning application immediately; or (ii) include the unauthorised structures in the subject planning application for further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required and subject to the availability of policy support as mentioned in paragraph 9.3.1 (c) above, apply to his office for Short Term Waiver (STW) and STT to permit the structures erected/to be erected and the occupation of GL. The applications for STW and STT submitted jointly by all lot owners 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 on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date the unauthorised structures were erected/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 lot 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;
- (h) unless and until the unauthorised structures are duly rectified by the lot owners/applicant or entirely included in the subject planning application, 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;
- (i) his advisory comments are at **Appendix IV**.

Environment

9.3.2 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 (about 40m to the southeast) and the use of heavy vehicles will be involved;
- (b) no substantiated environmental complaint against the Site was received in the past three years; and
- (c) his advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Periods

On 10.9.2024, 13.12.2024 and 28.3.2025, the application was published for public inspection. During the statutory public inspection periods, five comments were received (**Appendix V**). Two comments from an individual object to the application mainly on the grounds that this area should not be transformed into new brownfield zone; approval of the application would trigger developments that would destroy the integrity of the district; land use efficiency or modernisation of operation for brownfield use should be improved; and significant portion of the Site is for tree planting. Three comments submitted by a member 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 (timber and other associated materials) for a period of three years at the Site zoned “REC” on the OZP. While the proposed use is not in line with the planning intention of the “REC” zone which is primarily for low-density recreational developments for the use of the general public, there is no known planned recreational development at the Site. According to the applicant, the application is to facilitate the relocation of two business operations in Kwu Tung which will be affected by the development of KTN NDA. The two affected operators have spent effort in identifying suitable sites to relocate their business operations to a number of alternative locations, but those sites were considered not suitable due to various issues as detailed in paragraph 2 above. In this regard, SDEV advises that the application is to facilitate relocation of the two brownfield operations which have been/will be affected by KTN NDA, and subject to concerned departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 11.2 The surrounding areas are of rural character mainly comprising temporary structures, tree clusters, a few domestic structures and vacant land. The applicant submits a landscape plan proposing to retain all the existing trees and plant 28 new trees at the Site. CTP/UD&L, PlanD advises that the proposed use is not entirely incompatible with the surrounding landscape character and considers that significant adverse impact on the existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.3 While DEP considers that the application should not be supported 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 as set out in the COP. Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Engineer/Construction, Water Supplies Department have no objection to/no adverse comment on the application. To address the technical requirements and concerns of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within and outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.4 There were three similar applications (No. A/NE-TKLN/29, 31 and 79) involving temporary warehouse use within the same “REC” zone in the vicinity of the Site in the past five years. All applications were rejected by the Committee in 2020 and 2024 mainly on the grounds as stated in paragraph 6.1 above, including that the applicant failed to demonstrate that the proposed use would not generate adverse traffic and/or drainage impacts on the surrounding areas. For the current application, there is no adverse comment from concerned government departments on traffic and drainage aspects, and policy support from SDEV is given. Also, the applicant submits a landscape plan in support of the application and CTP/UL&L, PlanD considers that significant adverse impact on the existing landscape resources is not anticipated. The planning considerations of the rejected similar applications are not applicable to the current application.
- 11.5 Regarding the public comments as detailed in paragraph 10, the government bureau’s/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) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of a drainage impact assessment 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;
- (c) in relation to (b) above, the implementation of the drainage impact assessment 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;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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;
- (f) in relation to (e) 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;

- (g) if any of the above planning condition (a) or (d) 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
- (h) if any of the above planning condition (b), (c), (e) or (f) 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 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 "REC" zone, which is primarily for low-density recreation developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. 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 2.9.2024
Appendix Ia	SI received on 5.9.2024
Appendix Ib	FI received on 9.9.2024
Appendix Ic	FIs received on 28.10.2024 and 29.10.2024
Appendix Id	FI received on 22.11.2024
Appendix Ie	FI received on 3.12.2024
Appendix If	FIs received on 18.3.2025 and 19.3.2025
Appendix Ig	FIs received on 21.3.2025, 22.3.2025 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 and Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

PLANNING DEPARTMENT
MAY 2025