

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-HLH/81**

<b><u>Applicant</u></b>	: Ying Shing (Hopewell) Engineering Company Limited represented by GD Management Limited
<b><u>Site</u></b>	: Lot 202 (Part) in D.D. 87, Hung Lung Hang, New Territories
<b><u>Site Area</u></b>	: 1,935m <sup>2</sup> (about)
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Proposed Temporary Open Storage of Construction Materials and Machineries with Ancillary Facilities and Associated Filling of Land for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machineries with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) (**Plan A-1**) which falls within an area zoned “AGR” on the OZP. 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). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is generally formed, partly hard-paved, fenced-off and currently vacant (**Plan A-4**).
- 1.2 The Site is accessible from its west via a local track leading to Kong Nga Po Road (**Plan A-1**). According to the applicant, about 1,705m<sup>2</sup> (88% of the Site) is uncovered area proposed for open storage of construction materials and machineries, vehicle parking, loading/unloading (L/UL) spaces and circulation area. The proposal also consists of a one-storey temporary structure with building height of not more than 4.7m and a floor area of about 230m<sup>2</sup> for storage of construction materials. One parking space for private car (5m (L) x 2.5m (W)) and one L/UL space for medium goods vehicle (11m (L) x 3.5m (W)) are proposed within the Site. An ingress/egress with 7.3m in width is proposed at the western boundary of 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. No workshop activities and storage of dangerous goods will be carried out at any time during the planning approval period. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site and no vehicle will queue back on the local road; staff will be deployed to manage the traffic; warning signs will be installed at the ingress/egress to ensure the safety of pedestrians; and no visitors will be allowed to enter the Site.
- 1.4 The applicant also applies for filling of the entire site with concrete at a depth of not more than 0.2m for site formation purpose. A drainage proposal (**Drawing A-2**) with provision of U-channels and catchpits along the site boundaries is submitted by the applicant in support of the application. To avoid disturbance to the watercourse to its immediate north (**Plan A-2**), a minimum setback of 3m will be reserved between the Site and the watercourse, and a 2.5m high corrugated metal fencing will also be erected along the site boundary. In terms of sewage treatment, the applicant proposes to provide a portable toilet for the staff, and the collected sewage will be periodically tanked away by a licensed contractor.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 24.4.2025 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 28.4.2025 (**Appendix Ia**)
  - (c) Further Information (FI) received on 21.5.2025\* (**Appendix Ib**)
  - (d) FI received on 30.5.2025\* (**Appendix Ic**)

*\* accepted and exempted from publication and recounting requirements*

## **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 Ic**, as summarised below:

- (a) although the proposed use is not entirely in line with the planning intention of the “AGR” zone, the application is only on a temporary basis and would not frustrate the long-term planning intention the “AGR” zone;
- (b) the Site falls within Category 2 areas under the Town Planning Board Guidelines No. 13G for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G);
- (c) the Site is located in the Boundary Commerce and Industry Zone of the Northern Metropolis and the proposed use is in line with the direction of the Northern Metropolis Action Agenda 2023;
- (d) the proposed use is considered not incompatible with the surrounding areas which are rural in character intermixed with workshops, open storage yards and woodlands;
- (e) adequate mitigation measures will be provided and no significant adverse impacts in terms of traffic, environmental, landscape and drainage are anticipated. Should the application be approved, the applicant is committed to implement the accepted drainage and traffic management proposals; and

- (f) the applicant will strictly comply with all environmental protection/pollution control ordinances at all times during the planning approval period; and will follow the requirements in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) to minimise adverse environmental impacts and nuisance to the surrounding areas.

### **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 consent of the current land owner. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to this application. The Site falls within Category 2 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

The Site is not subject to any planning enforcement action.

### **6. Previous Application**

There is no previous application at the Site.

### **7. Similar Applications**

7.1 There were 17 similar applications for temporary open storage use within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). Four of them (No. A/NE-HLH/43, 44, 46, 48) were rejected by the Committee in 2020 mainly for reasons of not complying with the previous version of TPB PG-No. 13F in that the sites fell within Category 3 areas and no previous planning approvals were granted to the sites concerned; adverse departmental comments; and insufficient information to demonstrate that the developments would not generate adverse environmental, traffic and landscape impacts on the surrounding areas.

7.2 The remaining 13 applications (No. A/NE-HLH/51, 54, 55, 59, 60, 61, 64, 66, 68, 70, 71, 75 and 76) were approved with conditions between 2021 and 2024 after the relevant sites were reclassified from Category 3 to Category 2 under TPB PG-No. 13F/13G. The applications generally complied with TPB PG-No. 13F/13G in that no major adverse departmental comments were received on the applications; and the concerns of the relevant government departments could be addressed through implementation of approval conditions.

- 7.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

## **8. The Site and Its Surrounding Areas (Plans A-1 to A-4)**

- 8.1 The Site is:

- (a) generally formed, largely hard-paved, fenced-off and currently vacant; and
- (b) accessible via a local track leading to Kong Nga Po Road.

- 8.2 The surrounding areas are rural in character comprising open storage yards, warehouses, workshops, active agricultural land, vacant land and tree clusters. A watercourse runs along the northern boundary of the Site. Domestic structures can be found in the vicinity with the nearest located at about 50m to the northeast of the Site. To the immediate south of the Site is a wooded area intermixed with warehouses and open storage yards zoned “Green Belt” (“GB”).

## **9. Planning Intention**

- 9.1 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.
- 9.2 According to the Explanatory Statement of the OZP for “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.

## **10. Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraph 10.2 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 IV** and **V** respectively.
- 10.2 The following government departments object to/do not support the application:

### **Land Administration**

- 10.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):
- (a) he has objection to the application;
  - (b) the Site comprises Old Schedule Agricultural Lot 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. The

proposed ingress/egress of the Site is required to pass through Government land (GL) but no right of access via GL is granted to the Site;

- (c) the following irregularity covered by the subject planning application has been detected by his office:

- (i) Unauthorised structure within the said private lot covered by the planning application

there is unauthorised structure on the private lot. 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 subject planning application has been detected by his office:

- (i) Unlawful occupation of GL not covered by the planning application

the GL adjoining the Site 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 the 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;

- (e) the lot owner/applicant shall remove the unauthorised structures and cease the illegal occupation of the GL and subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for Short Term Waiver (STW) to permit the structures erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorized structure was erected and administrative fee as considered appropriate by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner 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 cessation of illegal occupation of GL is duly rectified by the lot owner/applicant, his office has objection to the application and it must be brought to the attention of the Board when the application is being considered; and
- (g) the applicant should comply with all land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval.

### **Agriculture and Nature Conservation**

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

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) 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 and plant nurseries, etc.;
- (c) it is noted from aerial photo that a watercourse is located adjacent to the north of the Site. Measures proposed by the applicant to avoid adverse impact to the watercourse are noted (**Appendix Ic**). As such, he has no further comment on the application from nature conservation perspective; and
- (d) should the application be approved, the applicant is advised to avoid adverse impact to the watercourse nearby during the construction and operation of the proposed use.

### **Environment**

#### 10.2.3 Comments of the Director of Environmental Protection (DEP):

- (a) he is unable to lend support to the application from environmental planning perspective as the proposed use involves the use of heavy vehicles and domestic structure is located within 100m from the site boundary (**Plan A-2**);
- (b) no substantiated environmental complaint pertaining to the Site received in the past three years; and
- (c) should the application be approved, the applicant is advised to follow the requirements of the COP and the Professional Persons Environmental Consultative Committee (ProPECC) Practice Note (PN) 1/23 “Drainage Plans subject to Comment by EPD – Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) Regulations”.

## **11. Public Comments Received During Statutory Publication Periods**

On 2.5.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Three comments from the Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and an individual object to the application on the grounds that the Site involves suspected unauthorized development; and the proposed use is not compatible with the surrounding areas. The remaining comment from a member of the North District Council indicates no comment on the application.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary open storage of construction materials and machineries with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). 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 agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nonetheless, taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 12.2 The application involves filling of the entire site with concrete at a depth of not more than 0.2m for site formation purpose. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective and DEP has no particular comment on the proposed filling of land from environmental perspective. 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.
- 12.3 The Site falls within Category 2 areas under the TPB PG-No. 13G. The following considerations in the Guidelines are relevant:
- Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.
- 12.4 The Site is generally formed, partly hard paved, fenced-off and currently vacant. It is situated in an area of rural character intermixed with open storage yards, warehouses, workshops, domestic structures, active agricultural land, vacant land and tree clusters (**Plans A-2 and A-3**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse impacts on the landscape character and existing landscape resources within the Site are not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective.
- 12.5 While DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (**Plan A-2**), no substantiated environmental complaint pertaining to the Site was received in the past three years. Should the application be approved, the applicant will be advised to follow the latest COP and to provide sewerage facilities in accordance with ProPECC PN 1/23 in order to minimise the possible environmental nuisance on the surroundings. In view that the Site is adjacent to a watercourse to the north, the applicant will also be advised to follow good site practice and avoid causing adverse impact on the river. Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire

Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD's concerns on the unauthorised structures and unlawful occupation of GL adjoining the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. In view of the above, the application generally complies with the TPB PG-No. 13G in that no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.

- 12.6 There were 13 similar applications for temporary open storage use approved by the Committee between 2021 and 2024 on the considerations as mentioned in paragraph 7.2 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comments mentioned in paragraph 11 above, the government departments' comments and the planning assessments above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 20.6.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

#### **Approval Conditions**

- (a) the submission of a revised 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 20.12.2025;
- (b) in relation to (a) above, the implementation of the drainage proposal 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 20.3.2026;
- (c) in relation to (b) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (d) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 1.8.2025;
- (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 20.12.2025;



- (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 20.3.2026;
- (g) 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;
- (h) if any of the above planning condition (a), (b), (d), (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; and
- (i) upon the expiry of the planning permission, the reinstatement of the application site, including the removal of fill materials and hard paving, and grassing of the application 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**.

- 13.3 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 justification in the submission for a departure from such planning intention, even on a temporary basis.

### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

### **15. Attachments**

<b>Appendix I</b>	Application Form with attachment received on 24.4.2025
<b>Appendix Ia</b>	SI received on 28.4.2025
<b>Appendix Ib</b>	FI received on 21.5.2025
<b>Appendix Ic</b>	FI received on 30.5.2025
<b>Appendix II</b>	Relevant Extracts of TPB Guidelines No. TPB PG-No. 13G
<b>Appendix III</b>	Similar s.16 Applications within the "AGR" zone in the vicinity of the

<b>Appendix IV</b>	Site in the Hung Lung Hang Area
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Public Comments
<b>Drawing A-2</b>	Layout Plan
<b>Plan A-1</b>	Drainage Plan
<b>Plan A-2</b>	Location Plan
<b>Plan A-3</b>	Site Plan
<b>Plan A-4</b>	Aerial Photo
	Site Photos

**PLANNING DEPARTMENT**  
**JUNE 2025**