

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/47

<u>Applicant</u>	: Go Shing (Hopewell) Industrial Limited represented by LCH Planning & Development Consultants Limited
<u>Site</u>	: Lot 610 S.A RP in D.D. 90, Lin Ma Hang Road, Man Kam To, New Territories
<u>Site Area</u>	: About 395m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plans</u>	: Draft Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/6 (currently in force) Draft Man Kam To OZP No. S/NE-MKT/5 (at the time of submission)
<u>Zoning</u>	: “Agriculture (“AGR”) [No change to the “AGR” zone under the current OZP]
<u>Application</u>	: Proposed Temporary Shop and Services (Convenient Store) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services (convenient store) and associated filling of land for a period of three years at the application site (the Site) falling 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 and filling of land not exceeding a period of three years within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently fenced off, formed, vacant and partly covered with weeds (**Plans A-4a** and **A-4b**).
- 1.2 The Site is abutting Lin Ma Hang Road to the south (**Plan A-2**). According to the submission, the proposed use consists of two 2-storey structures of about 5.3m in height with a total floor area of about 150m² for retail shop(s)¹, ancillary office and storage and toilet uses. One private car parking space (5m (L) x 2.5m (W)) and one light goods vehicle (LGV) loading/unloading space (7m (L) x 3.5m (W)) are proposed within the Site.

¹ According to the applicant, the retail shop(s) will be convenient store(s), whereas the details of the operation of the shop(s) have not been decided yet.

The operation hours of the proposed use are between 8:00 a.m. and 8:00 p.m. from Mondays to Sundays including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the applicant, an ingress/egress is proposed at the southeast of the Site (**Drawing A-2**) and a manoeuvring circle of vehicles with a diameter of 11.5m will be provided within the Site. Swept path analyses for private cars and LGV are submitted in support of the application. Vehicular access with a width of not less than 7.3m and a set of kerb will be provided at the ingress/egress of the Site. According to the traffic management measures proposed by the applicant (**Appendices Ic and Id**), traffic signs will be provided at the ingress/egress of the Site to ensure pedestrian safety and prevent illegal parking.
- 1.4 The applicant also applies for filling of land of the entire site with concrete by not more than 0.6m in depth for site formation purpose (**Drawing A-2**). The proposed use is setback at least 3m away from the streamcourse to the east of the Site. According to the applicant, no trees have been identified and a total of four new trees will be planted within the Site (**Drawing A-1**).
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 22.5.2025 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 27.5.2025 (**Appendix Ib**)
 - (d) Further Information (FI) received on 26.6.2025* (**Appendix Ic**)
 - (e) FI received on 8.7.2025* (**Appendix Id**)

** 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, SPS, SI and FIs at **Appendices I to Id**, as summarised below:

- (a) the proposed use is for the provision of retail services to nearby residents, visitors and employment populations to enhance urban-rural integration. As there is currently no supply of retail services in the vicinity of the Site, it is expected that there would be a strong demand for retail amenities at the surrounding areas;
- (b) according to the demand and supply assessment submitted by the applicant, residential population within village clusters in Muk Wu, Muk Wu Nga Yiu and San Uk Ling, visitor population for the Hong Kong Seeing Eye Dog Training School, MacIntosh Fort (Nga Yiu), Lo Shue Ling and Sheung Ying Brick Works Ruins², and Muk Wu Nga Yiu Kilns as a site of archaeological interest (**Drawing A-3a**), and the employment population of various brownfield operations with/without valid planning permissions and the Hong Kong Seeing Eye Dog Training School, are identified (**Drawing A-3b**), with a total demand of about 73 daily customers for the retail shops;

² According to our record, Lo Shue Ling and Sheung Ying Brick Works Ruins identified as sites of interest by the applicant are neither declared monuments, graded historic buildings nor sites of archaeological interest.

- (c) there will be substantial change in planning context of Man Kam To area. According to the Northern Metropolis Action Agenda promulgated in 2023, the Man Kam To area will be developed into Boundary Commence and Industry zone. Under the latest preliminary development proposal for New Territories North New Town, the area falls within Man Kam To Boundary Mixed Use Area proposed for mixed use/residential purpose. As an interim measures, the proposed use could help to provide more services for the villagers and workers;
- (d) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone. The Site does not fall within the proposed Agricultural Priority Areas, and is not expected to be designated for agricultural use in the future;
- (e) there are a number of applications for various uses including temporary hobby farm and warehouses approved by the Rural and New Town Planning Committee (the Committee) in the vicinity of the Site in the past three years, which brought more traffic flows and population to the community;
- (f) there is a similar precedent case (application No. A/NE-LT/776³) for the same use approved by the Committee in the Northeast New Territories;
- (g) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where workshops, open storages and car parks were commonly found along Lin Ma Hang Road; and
- (h) no significant adverse impacts in terms of environmental, traffic, visual, landscape, etc. are anticipated. The applicant 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 the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is subject to planning enforcement action (No. E/NE-MKT/46) against an unauthorised development involving land filling (**Plan A-2**). A Reinstatement Notice was issued by the Planning Authority on 16.1.2024 requiring reinstatement of the Site by 16.4.2024. As the Site was not reinstated upon expiry of the notice, prosecution action has been taken. The registered owner of the Site was convicted for two times on 15.1.2025 and 9.7.2025 respectively. The Site is under monitoring.

³ Application No. A/NE-LT/776 was for temporary shop and services with ancillary office for a period of three years within the “AGR” zone in Lam Tsuen area which was approved with conditions by the Committee on 10.1.2025.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/NE-MKT/32 and 38) submitted by the same applicant. The former was for a temporary vehicle repair workshop with ancillary office and the latter was for a temporary office, each for a period of three years, which were rejected by the Committee in November 2023 and 2024 respectively mainly for the reasons that the proposed use was not in line with the planning intention of the “AGR” zone; and/or the applicant failed to demonstrate that the proposed use would not generate adverse traffic impact on the surrounding areas.
- 5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for the same use within the same “AGR” zone in the Man Kam To area in the past five years.

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, formed, vacant and partly covered with weeds;
 - (b) bounded to the north and west by temporary warehouses for storage of timber and other associated materials with associated filling of land with a valid planning permission under application No. A/NE-MKT/35⁴; and
 - (c) abutting Lin Ma Hang Road to the south.
- 7.2 The surrounding areas are of rural character intermixed with storage yards, temporary domestic structures, vegetated land, fallow agricultural land and tree clusters. To the northeast is a temporary warehouse for storage of construction materials and furniture covered with a valid planning permission under application No. A/NE-MKT/40. To the further northwest of the Site is a densely vegetated knoll zoned “Green Belt”, 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.

⁴ The application was submitted to facilitate the relocation of eight brownfield operations by the Kwu Tung North New Development Area, which was supported by the Development Bureau. It was approved with conditions by the Committee on 19.7.2024 on a temporary basis for a period of three years.

- 8.2 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.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III** and **IV** respectively.
- 9.2 The following government department does not support the application.

Agriculture and Nature Conservation

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

Agricultural perspective

- (a) the Site falls within the “AGR” zone and is generally vacant. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.;
- (b) as the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and

Nature conservation perspective

- (c) based on aerial photo, the Site is vacant and disturbed. He has no comment on the subject application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 30.5.2025, the application was published for public inspection. During the statutory public inspection period, seven public comments were received (**Appendix V**). Amongst them, six comments including one from the Residential Representative of Muk Wu, one from Kadoorie Farm and Botanic Garden Cooperation and four individuals object to the application. Major grounds of the objection are that the proposed use will cause adverse traffic and transport impacts, and pose safety risks to nearby residents; and the Site is the subject of previously rejected applications. The remaining public 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 shop and services (convenient store) and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). While the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation, the applicant advises that the proposed use

is to serve the nearby residents, visitors and employment populations of warehouses and storage yards. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.

- 11.2 The applicant also applies for filling of land of the entire site with concrete by not more than 0.6m 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 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, abutting Lin Ma Hang Road to the south and bounded by a warehouse with valid planning permission (Application No. A/NE-MKT/35) to the north and west, is currently formed, vacant and partly covered with weeds (**Plans A-2 to A-4b**). It is located in an area of rural character intermixed with temporary warehouses, open storage yard, temporary domestic structures, vegetated land, fallow agricultural land and tree clusters. The proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application and advises that significant adverse impact on existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Director of Fire Services and Chief Highway Engineer/New Territories East of Highways 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. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the latest COP to minimise any possible environmental nuisance.
- 11.5 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 18.7.2028. 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 18.1.2026;
- (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 18.4.2026;
- (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 18.1.2026;
- (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 18.4.2026;
- (f) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 18.1.2026;
- (g) in relation to (f) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 18.4.2026;
- (h) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 18.4.2026;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (c) or (i) 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;
- (k) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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
- (l) upon the expiry of the planning permission, the reinstatement of the application site, including removal of fill materials and hard paving, and grassing 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 IV**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's 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 with Attachments received on 22.5.2025
Appendix Ia	SPS
Appendix Ib	SI received on 27.5.2025
Appendix Ic	FI received on 26.6.2025
Appendix Id	FI received on 8.7.2025
Appendix II	Previous 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-3a	Sites of Interest in Man Kam To Area
Drawing A-3b	Employment Locations in Man Kam To Area
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos