

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/852

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| <u>Applicants</u> | : | Mr. WAI Siu Kan and Mrs. WONG Ho Chu, Silvia represented by Land Plus Development Consultancy Limited |
| <u>Site</u> | : | Lot 1828 (Part) in D.D. 76, Ma Mei Ha, Fanling, New Territories |
| <u>Site Area</u> | : | About 1,125m ² |
| <u>Lease</u> | : | Block Government Lease (demised for agricultural use) |
| <u>Plan</u> | : | Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19 |
| <u>Zoning</u> | : | “Agriculture” (“AGR”) |
| <u>Application</u> | : | Proposed Temporary Warehouse (excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of Three Years |

1. The Proposal

- 1.1 The applicants seek planning permission for proposed temporary warehouse (excluding dangerous goods godown) 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 not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is largely hard-paved, fenced-off, and currently used as temporary golf training center with valid planning permission (**Plans A-4a and A-4b**).
- 1.2 According to the applicants, the application is submitted to facilitate the relocation of an existing brownfield operation in Kwu Tung, Sheung Shui being affected by government project, i.e. the Remaining Phase development of Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA)¹. As claimed by the applicants, the affected operation, covering a site area of about 3,298m² with a total floor area of about 1,751m² currently involves warehouse activity for

¹ The applicants are authorised by International Marble Works Co., which is the affected brownfield operator, to submit the current application.

storing marble products on-site² and the Site would be resumed by the Government shortly.

- 1.3 The Site is abutting a local access to the north leading to Sha Tau Kok Road – Ma Mei Ha (**Plan A-2**). The proposal involves two one to two-storey temporary structures with building heights ranging from not more than 3m to 13m and a total floor areas of 1,492m² for a warehouse for storing marble products and washroom (**Drawing A-1**). The operation hours of the proposed use are between 9:00 a.m. to 6:00 p.m. from Mondays to Saturdays, with no operations on Sundays and public holidays. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted on-site. Two loading/unloading spaces (7m (L) × 3.5m (W)) for light goods vehicle are proposed at the open area near the ingress/egress at the northwestern part of the Site. No vehicle without valid licenses issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations will be allowed to be parked/stored at the Site. Sufficient manoeuvring space is provided within the Site and no vehicle would queue back to or reverse onto/from the Site to the public road. Road signs will be posted at the ingress/egress of the Site to alert drivers and pedestrian to be cautious on the road situation.
- 1.4 The applicants also apply for regularisation of filling of land/proposed filling of land for the entirety Site of not more than 0.3m in depth (to a level of about +18.2mPD) by concrete for site formation and vehicular circulation space³ (**Drawing A-2**). To minimise environmental and noise nuisance to the surrounding areas, the existing 2.5m high iron-sheet fencing on-site would be retained. The layout plan and land filling plan submitted by the applicants are shown in **Drawings A-1** and **A-2** respectively.
- 1.5 In support of the application, the applicants have submitted the following documents:
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| (a) | Application Form received on 13.6.2025 | (Appendix I) |
| (b) | Planning Statement received on 13.6.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 9.7.2025 [^] | (Appendix Ib) |
| (d) | FI received on 15.7.2025 [^] | (Appendix Ic) |
- [^]accepted and exempted from the publication and recounting requirements*

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form, Planning Statement and FIs at **Appendices I** to **Ic**, as summarised below:

- (a) the application is submitted to facilitate the relocation of an existing business operation affected by KTN/FLN NDA. The proposed use is to accommodate the

² According to the applicants, while the affected premises at Kwu Tung is covered by a Short Term Wavier (STW) for cutting workshop, warehouse and ancillary office use, the relevant workshop activities have been relocated to the Mainland due to business consideration.

³ According to the applicants, an area of about 115m² is proposed to be filled with a concrete layer of about 0.3m in depth, in addition to the existing hard-paved area.

warehouse activities at the original premises;

- (b) the applicants have spent effort in identifying alternative sites in the New Territories (e.g. Hung Lung Hang, Ta Kwu Ling and Man Uk Pin), but those sites are considered not suitable or impracticable due to reasons such as land use incompatibility, land ownership issue and inaccessibility. The Site is identified as it is easily accessible and not incompatible with surrounding land uses;
- (c) the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the “AGR” zone. Besides, the temporary use of the Site could also better utilise the land resources;
- (d) the proposed use is visually not incompatible with the surrounding environment; and it would not induce adverse traffic, environmental, drainage and landscape impacts and fire safety issue on the surrounding areas; and
- (e) there were approved similar applications for warehouse within the same “AGR” zone and approval of the current application is generally in line with the Board’s previous decisions.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The Site is currently not subject to any active planning enforcement action.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/NE-LYT/93, 739 and 822). While the former application (No. A/NE-LYT/93) for temporary open storage of construction materials for a period of 12 months was rejected by the Board on review in 1996, the latter two applications (No. A/NE-LYT/739 and 822) for temporary golf training centre for a period of three years were approved with conditions by the Committee in 2021 and 2024 respectively. The planning permission under the most recent approved application (No. A/NE-LYT/822) is valid until 26.3.2027. The planning considerations of these previous applications are not relevant to the current application which involves a different use.
- 5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-LYT/741 and 816) covering the same site for proposed temporary warehouse with public vehicle park or open

storage within the same “AGR” zone in the past five years. Both applications were approved with conditions by the Committee in 2021 and 2024 respectively, mainly on the considerations that the proposed use would not frustrate the long-term planning intention of the area; it was not incompatible with the surrounding areas; no significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas were anticipated; and/or it generally complied with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) in that there were no major adverse departmental comments or concerns of the relevant government departments could be addressed through implementation of approval conditions.

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

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

- 7.1 The Site is:

- (a) fenced off, hard-paved and occupied by two temporary structures;
- (b) currently used for the temporary golf training center with valid planning permission under application No. A/NE-LYT/822; and
- (c) abutting a local access to the north leading to Sha Tau Kok Road – Ma Mei Ha.

- 7.2 The surrounding areas are located in an area of rural landscape character comprising village houses/domestic structures, warehouses, plant nursery, active/fallow farmland and vacant land/unused land covered by tree clusters or vegetated areas.

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, planning permission from the Board is required for filling of land within the “AGR” zone, as the activity may cause adverse drainage and environmental impacts on the adjacent areas.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/department 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 Recommended Advisory Clauses are provided at **Appendices IV** and **V** respectively.

9.2 The following government bureau supports the application:

Policy Support

Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield operation providing warehouse services, which will be affected by the Remaining Phase development of the KTN/FLN 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 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 department does not support the application:

Agriculture and Nature Conservation

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

Agricultural Perspective

- (a) he does not support the application from agricultural perspective as the Site zoned "AGR" possesses potential for agricultural rehabilitation. There are active agricultural activities in the vicinity of the Site, 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.; and

Nature Conservation Perspective

- (b) he has no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 20.6.2025, the application was published for public inspection. During the statutory public inspection period, six public comments were received (**Appendix VI**). Three comments from individuals support the application mainly on the considerations that the temporary use of the Site for warehouse use could fully utilise the scarce land resources; the Site is considered suitable for brownfield use due to its proximity to Sha Tau Kok Road – Ma Me Hai; the proposed use is generally compatible with the surrounding areas where warehouse/open storage could be identified; and the proposed use could contribute to the economic development of Hong Kong. One comment from an individual objects to the application mainly on the grounds that alternative sites in Category 2 areas under the TPB-PG No. 13G should be considered for relocation; and the demand of temporary warehouse is questionable due to the recent economic performance. The two remaining comments from a member of North District Council and the Chairman of Lung Shan Area Committee both indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) 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 and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation and agricultural activities are active in the vicinity. Nevertheless, SDEV supports the application from the policy perspective, noting that it is submitted to facilitate relocation of a brownfield operation for warehouse of marble products currently situated in Kwu Tung, which will be affected by the Remaining Phase development of KTN/FLN NDA and according to the applicants, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere, the Site under the current application is the most suitable relocation site. 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 for a period of three years.
- 11.2 The proposed use involves regularisation of filling of land/proposed filling of land at the majority part of the Site with a depth of not more than 0.3m (to a level of +18.2mPD) as detailed in paragraph 1.4 above (**Drawing A-2**). 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 and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives 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, abutting a local access to the north leading to Sha Tau Kok Road – Ma Mei Ha, is largely hard-paved, fenced-off, and occupied by temporary structures and currently used for temporary golf training center with valid planning permission (**Plans A-2 to A-4b**). The proposed use is considered not incompatible with the surrounding areas which mainly comprise village houses/domestic structures, warehouses, plant nursery, active/fallow farmland and vacant land/unused land covered by tree clusters or vegetated areas (**Plans A-3 and A-4a**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective, and considers that significant adverse impact on the landscape character and the existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the planning application be approved, the applicant will also be advised to follow the requirements of the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimise possible environmental nuisance on the

surroundings.

- 11.5 There are two approved similar applications for temporary warehouse as detailed in paragraph 6.1 above (**Plan A-1**). The planning circumstances of the current application are similar to those of the approved similar applications in that the proposed use is not incompatible with the surrounding areas; and no significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas are anticipated. As such, approving current application is generally in line with the Committee's previous decisions.
- 11.6 Regarding the adverse public comment as detailed in paragraph 10 above, the government departments' comments and the 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 1.8.2028. 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 1.2.2026;
- (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 1.5.2026;
- (c) in relation to (b) above, the implemented drainage facilities on the site 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 1.2.2026;
- (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 1.5.2026;
- (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 hard paving and fill materials, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed 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 applicants.

14. Attachments

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| Appendix I | Application Form received on 13.6.2025 |
| Appendix Ia | Planning Statement received on 13.6.2025 |
| Appendix Ib | FI received on 9.7.2025 |
| Appendix Ic | FI received on 15.7.2025 |
| Appendix II | Previous Applications |
| Appendix III | Similar Applications |
| Appendix IV | Government Departments' General Comments |
| Appendix V | Recommended Advisory Clauses |
| Appendix VI | Public Comments |
| Drawing A-1 | Site Layout Plan |
| Drawing A-2 | Land Filling Plan |

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| 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
AUGUST 2025**