

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/82

- Applicant** : Chow Keung Transportation Company Limited
- Site** : Lot 396 in D.D. 87, Hung Lung Hang, New Territories
- Site Area** : About 1,886m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the application site (the Site) (**Plan A-1**) falling within an area zoned “AGR” on the OZP. According to the 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). The Site is hard-paved¹, fenced-off, currently largely vacant and occupied by some converted containers (**Plans A-4a** and **A-4b**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of an existing brownfield operation in Kwu Tung being affected by government project, i.e. the Kwu Tung North New Development Area (KTN NDA). The affected operation is currently used for warehouse as claimed by the applicant, which is the same as the proposed use. The affected land in Kwu Tung has been resumed by the Government and will be vacated by end of 2025.
- 1.3 The Site is accessible from its northwest via a local track leading to Kong Nga Po Road (**Plan A-1**). According to the applicant, the proposed use comprises 10 temporary structures, including one one-storey open-sided structure and nine two-storey structures, with building height of 5.34m and a total floor area of about 670m² for warehouse, storage and office uses. Three parking spaces for private car (5m (L) x 2.5m (W) each)

¹ According to record, the Site zoned “AGR” has been hard-paved before the date of imposing a land filling clause pertaining to the zone under the draft Hung Lung Hang OZP No. S/NE-HLH/5 gazetted on 29.4.2005.

and four parking spaces for medium goods vehicle (MGV) (11m (L) x 3.2m (W) each) are proposed within the Site. An ingress/egress is proposed at the northwestern boundary of the Site. The operation hours are between 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. According to the applicant, there is an existing septic tank for treatment of sewage produced from the Site. The layout plan with drainage proposal submitted by the applicant is shown in **Drawing A-1**.

1.4 The Site is the subject of three previous applications (No. A/NE-HLH/36, 58 and 61) submitted by the same applicant for different uses. The last previous application No. A/NE-HLH/61 for proposed temporary open storage with ancillary parking of vehicles for a period of three years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.11.2023. The planning permission was subsequently revoked on 24.8.2025 due to non-compliance with approval conditions. Details of the previous applications are set out in paragraph 5 below.

1.5 In support of the application, the applicant has submitted the following documents:

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|-----|--|----------------------|
| (a) | Application Form with attachments received on 8.7.2025 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 11.7.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 20.8.2025* | (Appendix Ib) |

** 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 Ib**, as summarised below:

- (a) the application is submitted to facilitate the relocation of the applicant's existing business operation affected by KTN NDA; and
- (b) the Site is the subject of a previous application submitted by the same applicant for temporary open storage with ancillary parking of vehicles, which was approved by the Committee in 2023. Due to the change in proposed use to meet operational need, a fresh application is required.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is not subject to any planning enforcement action.

5. Previous Applications

5.1 The Site is the subject of three previous applications (No. A/NE-HLH/36, 58 and 61) submitted by the same applicant for temporary logistics centre, private vehicle park

(MGV only) and open storage with ancillary parking of vehicles respectively. Applications No. A/NE-FTA/36 and 58 were rejected by the Committee in 2019 and 2022 respectively. Application No. A/NE-HLH/61 was approved with conditions by the Committee on 24.11.2023² but the planning permission was subsequently revoked on 24.8.2025 due to non-compliance with approval conditions in relation to the provision of drainage facilities and implementation of the fire service installations proposal. The considerations of previous applications are not applicable 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 in **Plan A-1**.

6. Similar Applications

6.1 There are four similar applications (No. A/NE-HLH/51, 68, 71 and 79) for temporary warehouse use within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). All of them were approved with conditions between 2021 and 2025 mainly on the considerations that the proposed/applied use was not entirely incompatible with the surrounding areas; and the 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) hard-paved, fenced-off, currently largely vacant and occupied by some converted containers; and
- (b) accessible via a local track leading to Kong Nga Po Road.

7.2 The surrounding areas are rural in character comprising open storage/storage yards, temporary structures, vacant land, tree clusters and woodland. A site covered by a valid planning permission (application No. A/NE-HLH/79) for temporary warehouse use is located to the immediate south of the Site. To the immediate west of the Site is a wooded area intermixed with temporary structures zoned “Green Belt”.

8. Planning Intention

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.

² The application (No. A/NE-HLH/61) was approved mainly on considerations that it was for the reprovisioning of brownfield operation affected by the KTN NDA development and policy support from the Secretary for Development (SDEV) was given to the application; there were no major adverse impacts or adverse departmental comments on the application; and the concerns of relevant government departments could be addressed through implementation of approval conditions.

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 advisory comments are provided at **Appendices IV** and **V** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation providing storage services, which will be affected by the Remaining Phase development of the KTN NDA. It is understood that the Site is the subject of a previous application No. A/NE-HLH/61 submitted by the same applicant, which was approved by the Committee in November 2023. According to the applicant, under the current application, the proposed use is changed from 'open storage' to 'warehouse' to better reflect his operation need; and
- (b) subject to concerned government 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

9.3.1 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; and
- (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.

10. Public Comments Received During Statutory Publication Period

On 15.7.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). A comment from an individual objects to the application mainly on the grounds that the Site is subject to planning enforcement action against unauthorized development and the applicant has failed to comply with the approval conditions. Another comment from a member of North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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. Nevertheless, SDEV supports the application from the policy perspective. 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 Site, situated in an area of rural character intermixed with open storage/storage yards, temporary structures, vacant land, tree clusters and woodland, is hard-paved, fenced-off and currently occupied by some converted containers (**Plans A-2 to A-4b**). 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 (PlanD) has no adverse comment on the application from landscape planning 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.
- 11.3 Concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection 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 12.2 below. Should the application be approved, the applicant will be advised to follow the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department and properly maintain the septic tank to avoid causing environmental nuisance on the surroundings.
- 11.4 There are four similar applications for temporary warehouse use approved by the Committee between 2021 and 2025 on the considerations as mentioned in paragraph 6 above. The planning circumstances of the current application are similar to these applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.5 Regarding the public comments mentioned 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 mentioned in paragraph 10 above, PlanD 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 5.9.2028.

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 5.3.2026;
- (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 5.6.2026;
- (c) in relation to (b) above, the implemented drainage facilities should 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 5.3.2026;
- (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 5.6.2026;
- (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 removal of fill materials and hard paving and grassing 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 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.

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 attachment received on 8.7.2025
Appendix Ia	SI received on 11.7.2025
Appendix Ib	FI received on 20.8.2025
Appendix II	Previous Applications
Appendix III	Similar s.16 Applications within the “AGR” zone in the vicinity of the Site in the Hung Lung Hang Area
Appendix IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
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
SEPTEMBER 2025**