

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/83

- Applicant** : Ms. SIN Oi Hing represented by Kwong Kei Lee Hardware
- Site** : Lot 289 in D.D. 87, Hung Lung Hang, New Territories
- Site Area** : About 620m²
- 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 Open Storage of Construction Machinery and Materials with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction machinery and materials with ancillary facilities and associated filling of land 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). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently vacant and covered by vegetation (**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 520m² (84% of the Site) is uncovered area proposed for open storage of construction machinery and materials, vehicle parking, loading/unloading (L/UL) spaces and circulation area. The proposal also consists of four one-storey temporary structures with building height of not more than 6.5m and a total floor area of about 100m² for ancillary office, rain shelter and washroom uses. One parking space for private car (5m (L) x 2.5m (W)) and two L/UL spaces for light goods vehicle (7m (L) x 2.5m (W) each) are proposed within the Site. An ingress/egress with 6m in width is proposed at the northwestern 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 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, staff will be deployed to manage the traffic to ensure no vehicle will queue back on the local road; warning signs, flashing lights and an inward-opening gate will be installed at the ingress/egress to ensure the safety of pedestrians; and no visitors will be allowed to enter the Site. No heavy goods vehicle will be allowed to be parked or enter the Site.
- 1.4 The applicant also applies for filling of the entire site with concrete at a depth of not more than 1.2m for site formation and drainage purposes (**Drawing A-2**). In terms of sewage treatment, the applicant proposes to provide a portable toilet for the staff.
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|------------------------|
| (a) | Application Form with attachments received on 8.7.2025 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 14.7.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 21.8.2025* | (Appendix Ib) |
| (d) | FI received on 22.8.2025* | (Appendix Ic) |
| (e) | FI received on 28.8.2025* | (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, SI and FIs at **Appendices I to Id**, as summarised below:

- (a) 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). There are similar approved applications in the vicinity of the Site;
- (b) as the ground level of the Site is uneven with difference of about 1.1m, filling of land is required for drainage purpose; and
- (c) no adverse traffic impact is anticipated. Should the application be approved, the applicant is committed to submit drainage and fire service installations proposals to alleviate possible adverse impact arising from the proposed use.

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. 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 are 15 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**). One of them (No. A/NE-HLH/48) was rejected by the Rural and New Town Planning Committee (the Committee) in 2020 mainly for reasons of not complying with the then TPB PG-No. 13F in that the site fell within Category 3 areas and no previous planning approvals were granted to the site concerned; there were adverse departmental comments; and insufficient information was provided to demonstrate that the development would not generate adverse traffic impact on the surrounding area.
- 7.2 The remaining 14 applications (No. A/NE-HLH/51, 54, 55, 59, 60, 61, 64, 66, 68, 70, 71, 75, 76 and 81) were approved with conditions between 2021 and 2025 after the relevant sites were reclassified from Category 3 to Category 2 areas 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**.
- 7.4 For Members’ information, application No. A/NE-HLH/84 for proposed temporary open storage of construction materials for a period of three years within the same “AGR” zone will also be considered at the same meeting.

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

- 8.1 The Site is:
 - (a) currently vacant and covered by vegetation; 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/storage yards, workshop, temporary structures, active/fallow agricultural land, vacant land and tree clusters. A pond is adjoining the southern boundary of the Site and a watercourse runs at about 15m to the south of the Site. A site covered by a valid planning permission (application No. A/NE-HLH/81) for temporary open storage use is located to the south of the Site across the watercourse. To the further north and south of the Site are wooded areas zoned “Green Belt” intermixed with storage yards and workshop.

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 department 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 are provided at **Appendices IV** and **V** respectively.
- 10.2 The following government department does not support the application:

Agriculture and Nature Conservation

10.2.1 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;
- (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.; and
- (c) should the application be approved, the applicant is advised to implement good site practice and precautionary measures to avoid adverse impacts on vegetation on Government land as well as nearby watercourses and ponds as far as possible.

11. 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 in close proximity to watercourses and ponds, and brownfield operation should not be extended to the “AGR” zone. Another comment from a member of 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 machinery and materials 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” and 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 1.2m for site formation and drainage purposes. 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.
- 12.3 The Site, situated in an area of rural character intermixed with open storage/storage yards, workshop, temporary structures, active/fallow agricultural land, vacant land and tree clusters, is currently vacant and covered by vegetation (**Plans A-2 to A-4**). 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.
- 12.4 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. 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. In view that the Site is adjacent to a pond and watercourse to the south, the applicant will also be advised to follow good site practice and avoid causing adverse impact on the water bodies as set out in the Recommended Advisory Clauses in **Appendix V**.
- 12.5 The Site falls within Category 2 areas under the TPB PG-No. 13G. 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 14 similar applications for temporary open storage approved by the Committee between 2021 and 2025 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, PlanD 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 5.9.2028. 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 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 the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, 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**.

- 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

Appendix I	Application Form with attachment received on 8.7.2025
Appendix Ia	SI received on 14.7.2025
Appendix Ib	FI received on 21.8.2025
Appendix Ic	FI received on 22.8.2025
Appendix Id	FI received on 28.8.2025
Appendix II	Relevant Extracts of TPB Guidelines No. TPB PG-No. 13G
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
Drawing A-2	Filling of Land Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos