

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/84

- Applicant** : Ying Shing (Hopewell) Engineering Company Limited
- Site** : Lot 370 (part) in D.D. 87, Hung Lung Hang, New Territories
- Site Area** : About 1,550m²
- 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 Materials for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials 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 and currently vacant (**Plans A-4a** and **A-4b**).
- 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, the Site is proposed for open storage of construction materials including steel, timber and other general construction items. The proposal does not consist of any temporary structure. One loading/unloading space for medium goods vehicle (11m (L) x 2.5m (W)) is 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 8:00 a.m. and 5:00 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays. 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, prior notification will be required for vehicles entering the Site and no vehicle will queue back onto the local road; warning signs, traffic light, CCTV and speed bumps will be installed

¹ According to our 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.

at the ingress/egress to ensure the safety of pedestrians; and no light goods vehicle/staff vehicle will be allowed to enter the Site. 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.

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

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|-----|--|------------------------|
| (a) | Application Form with attachments received on 9.7.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 16.8.2025* | (Appendix Ia) |
| (c) | FI received on 29.8.2025* | (Appendix Ib) |
| (d) | FI received on 1.9.2025* | (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 and FIs at **Appendices I to Ic**, as summarised below:

- (a) as the Site is located in close proximity to boundary crossing points, the proposed use could support local construction industry and meet the demand for cross-boundary construction activities;
- (b) the proposed use is temporary in nature and approval of the application would better utilise land resources and not frustrate the long-term planning intention of the “AGR” zone;
- (c) the Site is identified for the proposed use as it is currently vacant, flat, easily accessible and not incompatible to surrounding land uses;
- (d) the Site is adjoining two approved applications No. A/NE-HLH/70 and 71 for temporary open storage use (**Plan A-1**). Approval of the current application is in line with the Board’s previous decisions; and
- (e) minimal adverse impacts on visual, environment and traffic are anticipated.

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 posting site notice and sending a notice to Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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) 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/83 for proposed temporary open storage of construction machinery and materials with ancillary facilities and associated filling of land 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-4b)

- 8.1 The Site is:
 - (a) 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 storages (including two adjoining sites with valid planning permissions under applications No. A/NE-HLH/70 and 71), warehouse, temporary structures, vacant land and tree clusters. To the further south of the Site is a wooded area zoned “Green Belt” intermixed with some temporary structures.

9. 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.

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

10.2 The following government departments do not support/have adverse comment on the application:

Land Administration

10.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has adverse comment on 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) it is noted that no structure is proposed in the subject planning application. However, there are unauthorised structures erected within the said private lot and illegal occupation of GL not covered by the planning application as further elaborated below;
- (d) the following irregularities not covered by the subject planning application have been detected by his office:

- (i) Unauthorised structure within the said private lot not covered by the planning application

there are unauthorised structures on the private lot not covered by the planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (ii) 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; and

- (e) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owners/applicant or entirely included in the subject planning application, his office has adverse comment on the application and it must be brought to the attention of the Board when the application is being considered.

Agriculture

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; 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.

11. Public Comments Received During Statutory Publication Period

On 18.7.2025, 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 not the subject of any previous planning approval; and the proposed use as well as adjoining brownfield operations will cause cumulative adverse impacts. 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 materials 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. 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 Site, situated in an area of rural character intermixed with open storages, warehouse, temporary structures, vacant land and tree clusters, is hard-paved, fenced-off and currently vacant (**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.

- 12.3 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 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. Regarding DLO/N, LandsD’s concerns on the unauthorised structures and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.4 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.
- 12.5 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.
- 12.6 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 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 revised 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**.

- 13.3 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.

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 9.7.2025
Appendix Ia	FI received on 16.8.2025
Appendix Ib	FI received on 29.8.2025
Appendix Ic	FI received on 1.9.2025
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	Drainage 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**