

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/841

- Applicant** : E Man Construction Company Limited (裕民建築有限公司)
represented by 海願規劃發展公司¹
- Site** : Various Lots in D.D. 83 and Adjoining Government Land (GL), Lung
Yeuk Tau, Fanling, New Territories
- Site Area** : About 15,090m² (including GL of about 35m², or 0.2% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau & Kwan Tei South Outline Zoning (OZP)
Plan No. S/NE-LYT/19
- Zonings** : (i) “Agriculture” (“AGR”) (about 99.6%)
(ii) “Residential (Group C)” (“R(C)”) (about 0.4%)²
- Application** : Proposed Temporary Open Storage of Construction Materials and
Machineries with Ancillary Facilities for a Period of Three Years and
Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machineries with ancillary facilities for a period of three years and associated filling of land at the application site (the Site) falling within an area zoned “AGR” with a minor portion zoned “R(C)” on the OZP² (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or buildings 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 generally hard-paved, fenced-off, and currently largely vacant and occupied by a few containers and some construction materials (**Plans A-4a to A-4c**).

1 The applicant was originally represented by the Top Planning Property Consultant Limited at the time of submission. Subsequently, the applicant appointed the current representative to take forward the case, and such an arrangement was notified by the Town Planning Board Secretariat on 9.7.2025.

2 A small minor portion of the Site (about 60m² or 0.4%) encroaching onto the “R(C)” zone could be considered as minor boundary adjustment, and hence not included in the planning assessments.

- 1.2 According to the applicant, the application is submitted to facilitate the relocation of the brownfield operation in Lam Tei, Tuen Mun displaced by government project, i.e. the Second Phase Development of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA)³. The site of the affected brownfield operation, which involves a site area of about 10,434m² for open storage of construction materials and machineries with ancillary office as claimed by the applicant, have already been resumed by the Government.
- 1.3 The Site is accessible from Sha Tau Kok Road – Lung Yeuk Tau via Hai Wing Road and Dao Yang Road (**Plan A-1**). The proposal involves 12 single-storey temporary structures including eight open shelters, with building heights ranging from 3m to 7m and a total floor area of 1,563m² for storage use and other ancillary facilities such as site offices and toilet (**Drawing A-1**). The remaining uncovered area (i.e. about 13,527m² or 90% of the Site) is proposed for open storage of construction materials and machineries, as well as loading/unloading (L/UL) and circulation purposes. The operation hours of the proposed use are between 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operations on Sundays and public holidays. The applicant states that about 10 staff members will be stationed at the Site to support the operation of the proposed use. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted on-site.
- 1.4 Five parking spaces for private cars (5m (L) × 2.5m (W) each) and eight L/UL spaces for light goods vehicles (LGVs) (7m (L) × 3.5m (W) each) are proposed within the Site. No medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers are allowed to be parked/stored on or enter/exit the Site. Traffic management measures, including (i) appointment system for controlling the vehicles entering/exiting the Site; (ii) provision of sufficient manoeuvring space within the Site; and (iii) provision of traffic signage(s) and road markings within the Site, are proposed to ensure that no queue back from the Site onto the public roads and enhance pedestrian safety within and in the vicinity of the Site.
- 1.5 The applicant also applies for regularisation of filling of land for the entire Site of not more than 0.2m in depth by concrete for site formation and vehicular circulation space (**Drawing A-2**). To minimise the environmental and noise nuisances to the surrounding areas, the existing boundary fencing on-site would be retained. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on (**Appendix I**)
24.12.2024
 - (b) Further Information (FI) received on 14.4.2025[^] (**Appendix Ia**)
 - (c) FI received on 30.7.2025^{4 #} (**Appendix Ib**)

3 According to the applicant's submission, the affected business was initially operated on a piece of private land (with a site area of about 13,452m²) owned by City Jet Development Limited in Fanling Area 48, Sheung Shui, which was resumed by the Government for public housing development in 2022. Subsequently, the applicant continued its business in the affected site in HSK/HT NDA under the names of Granbo Construction Company (亨寶建築有限公司) and Ginca Construction Machinery Limited (置嘉建築有限公司) as of August 2025.

- (d) FI received on 3.8.2025⁴ ^ (Appendix Ic)
- (e) FI received on 6.8.2025^ (Appendix Id)
- (f) FI received on 6.8.2025^ (Appendix Ie)

accepted but not exempted from the publication and recounting requirements

^ accepted and exempted from the publication and recounting requirements

- 1.7 On 14.2.2025 and 6.6.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application each for a period of two months as requested by the applicant.

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 Ie**, as summarised below:

- (a) the application is submitted to facilitate the relocation of an existing business operation affected by the Second Phase Development of HSK/HT NDA. The proposed use is to accommodate the open storage activities at the affected site;
- (b) the applicant has spent effort in identifying alternative sites in the New Territories (e.g. Kam Tin, Yuen Long), but those sites are considered not suitable or impracticable due to reasons such as land use incompatibility and inaccessibility. The Site is identified as it is easily accessible and is considered not incompatible with the surrounding land uses. Besides, the Site, with a larger site area as compared with the affected site in HSK/HT NDA, could provide greater flexibility in operational and logistic arrangements;
- (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 temporary open storage use is not incompatible with the surrounding areas where open storage yards, warehouses and workshops could be found. Besides, part of the Site is the subject of a previously approved application (No. A/NE-LYT/762) for temporary green research center;
- (e) the applicant will strictly follow the requirements of the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP) issued by the Environmental Protection Department (EPD) and the statutory requirements under relevant pollution control ordinances. Besides, traffic impact assessment and drainage impact assessment are submitted in support of the current application. In general, the proposed use would not induce significant adverse traffic, environmental, drainage and landscape impacts on the surroundings; and

4 The revised traffic impact assessment was submitted by the applicant on 6.8.2025 (**Appendix Id**) to supersede the previous versions submitted on 30.7.2025 and 3.8.2025.

- (f) the applicant undertakes to apply for Short Term Waiver (STW) and Short Term Tenancy (STT) from the Lands Department (LandsD) for erection of the proposed structures and occupation of GL.

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 publishing notice in local newspapers and sending a notice to Fanling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion within the Site, TPB PG-No. 31B is not applicable.

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 3 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

The Site is the subject of an active planning enforcement case (No. E/NE-LYT/289) against an unauthorized development involving storage use (including deposit of containers) (**Plan A-2**). Reinstatement Notice was issued on 16.7.2025 requiring reinstatement of the concerned land. If the notice is not complied with, prosecution action would be considered.

6. Previous Applications

- 6.1 The Site is the subject of three previous applications (No. A/NE-LYT/315, 751 and 762) submitted by two other applicants. Application No. A/NE-LYT/315, with a larger site area, for temporary open storage of construction materials for a period of 18 months was rejected by the Committee on 23.12.2005, mainly on grounds that the applied use was generally not in line with the planning intention of “AGR” zone and there was no strong planning justifications for a departure from the planning intention, even on a temporary basis; the applied use did not comply with the then TPB PG-No. 13D in that no previous planning approval had been given to the application site and there were adverse departmental comments; and the applicant failed to demonstrate that the development would not cause adverse traffic, drainage, environmental and landscape impacts on the surrounding areas.
- 6.2 For the remaining two applications (No. A/NE-LYT/751 and 762) involving different site configuration, both were for proposed temporary research centre for green buildings for a period of three years. Their considerations are not relevant

to the current application which involves a different use.

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

7. Similar Application

There is no similar application within the same “AGR” zone.

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

8.1 The Site is:

- (a) generally hard-paved and fenced-off, with portions covered by tree groups or vegetated areas;
- (b) currently largely vacant, and occupied by a few containers and some construction materials; and
- (c) accessible from Sha Tau Kok Road – Lung Yeuk Tau to the north via a section of local access under private ownership, namely Hai Wing Road and Dao Yang Road.

8.2 The surrounding areas are of rural character mainly comprising open storage yards, warehouses, workshops, fallow/active agricultural land, some temporary domestic structures and vacant land covered by tree groups or vegetated areas. To the immediate west are warehouses within the “R(C)” zone covered with valid planning permission (Application No. A/NE-LYT/804). To the immediate northwest is an existing soy sauce factory (i.e. Tung Chun Soy Sauce and Canned Food Company Limited) within the “Comprehensive Development Area” zone. To the further north across Sha Tau Kok Road – Lung Yeuk Tau are the “Open Storage” (“OS”) zones on the approved Ping Che and Ta Kwu Ling OZP No. S/NE-TKL/14.

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, 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 Bureau/Departments

10.1 Apart from the government bureau and departments as set out in paragraphs 10.2

and 10.3 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.

10.2 The following government bureau supports the application:

Policy Support

Comments of the Secretary for Development (SDEV):

- (a) she support the application from policy perspective subject to no adverse comments on land use compatibility and technical aspects from concerned departments;
- (b) the application is to facilitate relocation of two brownfield operations providing open storage of construction materials and machineries at various Lots in D.D. 130 in Tuen Mun. The brownfield operations are affected by the Second Phase development of Hung Shui Kiu/Ha Tsuen NDA; and
- (c) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the site under the current application is the most suitable relocation site. While the site area is larger than that of the original premises, the applicant has explained that it is to fit in with the operational and logistic arrangements at the Site.

10.3 The following government departments have adverse comments on or do not support the application:

Land Administration

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

- (a) he has adverse comments on the application;
- (b) the Site comprises Old Schedule Agricultural Lots 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. No right of access via GL is granted to the Site;
- (c) part of the Site (i.e. Lots 751 RP, 753 RP, 754, 757, 758, 759, 777 and 778 in D.D. 83) is covered by STW No. 1661 for research centre for green buildings;
- (d) the following irregularity covered by the planning application has been detected:

Unauthorised structures within the said private lots covered by the planning application

there are unauthorised structures on Lots 731 and 753 S.A. in D.D.

83. The lot owner/applicant should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

Unlawful occupation of GL adjoining the said private lots with unauthorised structures covered by the planning application

the GL within the Site (about 35m²) has been fenced off and illegally occupied without any permission. 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;

- (e) the following irregularity not covered by the planning application has been detected:

Unauthorised structures within the said private lot not covered by the planning application

there are unauthorised structures within Lot 731 in D.D. 83 not covered by the planning application. The lot owner/applicant should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (f) the lot owner/applicant shall either (i) remove the unauthorised structures not covered by the planning application and cease the illegal occupation of the GL immediately; or (ii) include the unauthorised structures in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for the STW for those lots not covered with STW and STT for the occupation of the GL. The applications of STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. If approved, will be on whole lot basis and subject to such terms and conditions including the payment of backdated waiver fee from the first date the unauthorised structures erected/rent and administrative fee as considered appropriate by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Given the proposed use is temporary in nature, only erection of temporary structures will be considered; and

- (g) his advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

10.3.2 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. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and

Nature Conservation Perspective

- (b) he has no comment on the application from nature conservation perspective, noting that the Site is currently largely paved.

11. Public Comments Received During Statutory Publication Periods

On 3.1.2025 and 5.8.2025, the application was published for public inspection. During the statutory public inspection periods, 13 public comments were received (**Appendix VI**). Nine comments from the Chairman and the First Vice-Chairman of Fanling District Rural Committee, the Kadoorie Farm and Botanic Garden, the resident representative of Ma Liu Shui San Tsuen, a local villager and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of “AGR” zone; there is insufficient information to justify that the Site is suitable for the relocation of the affected brownfield operation; the Site, with a larger site area than that of the site in HSK/HT NDA, is not comparable in scale with the affected site; the proposed use at the Site is considered undesirable due to incompatibility with nearby residential developments; the proposed use would result in environmental nuisance, adverse traffic conditions (including insufficient manoeuvring space at the junction of Hai Wing Road and Dao Yang Road, pedestrian safety concern and road management and maintenance issues) as well as drainage (such as flooding concern) and landscape impacts on the surrounding areas; and the applicant did not consult the villagers prior to the submission of the current application. The remaining four comments from a member of North District Council and the Chairman of Area Committee (North) – Lung Shan indicate no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials and machineries with ancillary facilities for a period of three years and associated filling of land at the Site zoned “AGR” (**Plan A-I**). 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 open storage situated in Tuen Mun, which is affected by the Second Phase Development of HSK/HT NDA and according to the applicant, 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.

- 12.2 The application involves regularisation of filling of land for the entire site by concrete with a depth of not more than 0.2m as detailed in paragraph 1.5 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 (DEP) have no objection to the application from public drainage and environmental planning perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site zoned “AGR” 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, which is generally hard-paved and currently largely vacant and occupied by a few containers and some construction materials, is situated in an area of rural character intermixed with open storage yards/warehouses, workshop, fallow/active agricultural land, some temporary domestic structures and vacant land covered by tree groups or vegetated areas (**Plans A-2 to A-4c**). To the further north across Sha Tau Kok Road – Lung Yeuk Tau are the “OS” zones on another OZP (**Plan A-1**). The proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design & Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective as significant adverse impact on the landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated. Should the application be approved, the applicant will be advised to comply with all environmental protection/pollution ordinances and relevant EPD’s practice notes, and follow the requirements of the revised COP in order to minimise the possible environmental nuisance on the surroundings.
- 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. Regarding DLO/N, LandsD’s concerns on the unauthorised structures within/outside the Site 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.
- 12.5 The Site falls within the Category 3 areas under the TPB PG-No. 13G. While the Site is the subject of a previous application (No. A/NE-LYT/315) covering a larger site area for temporary open storage of construction materials rejected by the Committee in 2005 (**Plan A-1**), the planning circumstances and considerations

of that application are different from those of the current application. The current application is generally in line with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected uses to the Site; and there is no major adverse departmental comments on the application and their concerns can be addressed through imposition of approval conditions.

- 12.6 Regarding the public comments on the application detailed in paragraph 11 above, the government departments' comments and planning assessments above are relevant. For the concerns on management and maintenance of the local access roads under private ownership, the applicant undertakes to further liaise with the relevant parties to address the issues.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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 impact assessment 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 flood mitigation measures and drainage facilities identified in the revised drainage impact assessment 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 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 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) the submission of a revised traffic impact assessment within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 5.3.2026;

- (g) in relation to (f) above, the implementation of traffic management measures identified in the revised traffic impact assessment within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 5.6.2026;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (c) or (h) 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; and
- (j) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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
- (k) upon 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 planning justification in the submission for a departure from the 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 Attachments received on 24.12.2024
Appendix Ia	FI received on 14.4.2025
Appendix Ib	FI received on 30.7.2025
Appendix Ic	FI received on 3.8.2025
Appendix Id	FI received on 6.8.2025
Appendix Ie	FI received on 6.8.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous 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	Paved Ratio Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**