

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/809

- Applicants** : Uncle Chu Carpentry Accessories Engineering Limited and Yee Hing Fat Timber Trading Company represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 539 RP (Part), 540 RP, 543, 544 S.A, 544 S.B, 544 S.C, 544 RP, 545, 551 RP and 553 in D.D. 77 and Adjoining Government Land (GL), Ping Che, New Territories
- Site Area** : About 5,993m² (including GL of about 55m² or about 0.9% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zonings** : (i) “Agriculture” (“AGR”) (about 99.8%)
(ii) “Industrial (Group D)” (“I(D)”) (about 0.2%)¹
- Application** : Proposed Temporary Warehouse and Ancillary Open Storage of Construction Materials 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 and ancillary open storage of construction materials 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 Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is largely vacant.
- 1.2 According to the applicants, the current application is to facilitate the relocation of two business operations involving two sites in Ma Tso Lung, Kwu Tung North affected by government project, i.e. Kwu Tung North New Development Area (KTN NDA). The affected operations involve a total site area² of about 5,784.2m². The sites were resumed by the Government with site clearance in 2022.

¹ About 10m² (i.e. 0.2%) of the Site falls within the “I(D)” zone, which is considered as minor boundary adjustment and not included in the planning assessment.

² According to the applicants, about 2,800m² of the operation area was shared with an adjoining operator.

- 1.3 The Site is accessible via Ng Chow South Road (**Plan A-1**). According to the applicants, the proposed use includes eight one to two-storey structures of 3m to 13m in height with a total floor area of about 5,387m² for warehouses for storage of construction materials (i.e. timber and other building materials), toilets, site office, meter room, pump room and guard room. The western part of the Site (about 475m² or 7.9% of the Site) is proposed for ancillary open storage of construction materials (i.e. timber). No workshop activities will be conducted at the Site. Three private car parking spaces and four loading/unloading (L/UL) spaces for medium goods vehicles will be provided within the Site. The operation hours of the proposed use is between 8:30 a.m. and 6:00 p.m. between Mondays and Saturdays, with no operation on Sundays and public holidays. The applicants also apply for regularisation of filling of land as part of the Site has already been filled, and further filling of land on top at the entire Site with concrete of not exceeding 0.2m in depth for site formation and operational need. The layout plan submitted by the applicants is shown in **Drawing A-1**.
- 1.4 The applicants propose traffic management measures such as requiring prior appointment for entry of goods vehicles and all goods vehicles to leave the Site after L/UL activities, deploying on-site staff to manage traffic flow, and ensuring pedestrian safety by using revolving warning lights, etc. Environmental mitigation measures including erection of 2.5m tall corrugated metal fencing along the site boundary and locating the L/UL activities away from the residential dwellings are also proposed. The applicants also propose a 3m setback from an existing stream at the north of the Site. Besides, noting that the Ping Che Egretty is located to the further east of the Site, the applicants will adopt measures such as minimising noisy construction works during the ardeid breeding period (i.e. March to August), confining all noise generating activities within enclosed structures and avoid disturbance to the existing trees immediately outside the Site. The applicants have submitted a drainage proposal and a fire service installations (FSIs) proposal to support their application (**Drawings A-2 and A-3**).
- 1.5 In support of the application, the applicants have submitted the following documents:
- | | | |
|-----|---|----------------------|
| (a) | Application Form with attachments received on 17.7.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 25.8.2025 [^] | (Appendix Ia) |
| (c) | FI received on 29.8.2025 [^] | (Appendix Ib) |

[^]accepted and exempted from 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 and FIs at **Appendices I to Ib**, as summarised below:

- (a) the applicants have been operating timber business in Ma Tso Lung for 30 years. Since the land resumption by the Government and site clearance in 2022, the applicants continued their business operations in other smaller temporary relocation sites in Chau Tau, Lau Fau Shan and Sheung Shui which were only available for short-term operations. The applicants had to downsize their operations until they could identify a larger site to fit in their entire operations;
- (b) the applicants have spent efforts in identifying suitable site for relocation of their business operations such as in Wo Keng Shan and Man Uk Pin, but they were considered not

suitable due to various reasons such as the need of vegetation clearance, narrow accesses and small site area, etc. The Site is the best available option for relocation as it is generally flat and vacant, directly accessible from Ng Chow South Road, and the size of the Site could meet the need of the applicants. The proposed site area (about 5,993m²) is similar to the affected business operations (about 5,784.2m²);

- (c) the applicants made use of the adjoining GL in their former sites in KTN for vehicular maneuvering and L/UL activities. As this will not be feasible in the Site, a larger site area and floor space are required for such purposes in the current application to allow the applicants operate at their full capacity;
- (d) the applicants are two of the few remaining operating timber suppliers in Hong Kong. Approval of the application will enable the applicants to operate their business operations in full capacity and maintain the timber supply in the construction industry in Hong Kong;
- (e) the proposed use is not incompatible with the surrounding land uses which mainly consists of open storage, workshop and warehouse. The Site is unsuitable for agricultural rehabilitation and the proposed use will allow more efficient use of the scarce land resource in Hong Kong. The proposed use will also meet the pressing demand of warehouse and open storage facilities in the northern New Territories;
- (f) there were similar planning approvals for warehouse use in the same “AGR” zone. Besides, as the application is considered an exceptional case, no undesirable precedent will be created and approval of the application is considered acceptable and is in line with the Board’s previous decisions; and
- (g) no adverse traffic, environmental and drainage impacts on the surrounding areas are anticipated with the applicants’ proposed mitigation measures. The applicants will follow the mitigation measures and requirements in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP).

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

The applicants are not the “current land owner” but have 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 notices in local newspapers and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, TPB PG-No. 31B is not applicable.

4 Background

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

5 Previous Application

The Site is not the subject of any previous application.

6 Similar Applications

- 6.1 There are two similar applications (No. A/NE-TKL/702 and 767) involving the same site for temporary warehouse use within the same “AGR” zone in the vicinity of the Site in the past five years. Both of them were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2021 and 2024 respectively mainly on the considerations that no major adverse departmental comments were received on the application or the concerns of the relevant government departments could be addressed through imposition of approval conditions; and/or policy support by the Secretary for Development (SDEV) was given to facilitate the relocation of the applicant’s affected business operations.
- 6.2 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) largely vacant; and
 - (b) accessible via Ng Chow South Road.
- 7.2 The surrounding areas are of rural character comprising mainly domestic structures, vacant land³ and open spaces. To the west of the Site are workshops, an open storage yard, a warehouse and a logistic centre within the “I(D)” zone. A warehouse which is covered with valid planning permission under application No. A/NE-TKL/767 is located to the southwest in the same “AGR” zone. Across Ng Chow South Road to the south are open space and domestic structures. Ping Yuen River is located to the immediate north. The Ping Che Egretty is located to the further east (**Plan A-1**).

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

³ A number of approved planning applications for proposed House (New Territories Exempted House – Small House) are located at the vacant land within the “AGR” zone to the immediate east of the Site.

9 Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau and departments as set out in paragraphs 9.2 and 9.3 respectively below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III and IV** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of the SDEV:

- (a) the application is to facilitate relocation of two brownfield operations providing storage services, which have been affected by the First Phase development of the KTN NDA;
- (b) according to the applicants, 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 considered the most 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 departments do not support the application:

Agriculture and Nature Conservation

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

Agricultural Perspective

- (a) the application is not supported from agricultural perspective;
- (b) the Site falls largely within the "AGR" zone and is vacant land. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation;

Nature Conservation Perspective

- (c) no strong view on the proposed use at the Site from nature conservation perspective; and
- (d) the Ping Che Egretty is located 70m away from the site boundary (**Plan A-1**). Any construction works within 100m distance from the Ping Che Egretty should be carried out outside the breeding season of egrets (i.e.

March to August) to avoid any disturbance and / or adverse impact on the breeding egrets.

Environment

9.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) since residential dwellings are identified within 100m of the site boundary and the use of heavy vehicle is involved, he is unable to lend support to the application from the environmental planning perspective;
- (b) no comment on the land filling of the application;
- (c) no substantiated environmental complaint against the Site was received in the past three years; and
- (d) his advisory comments are at **Appendix IV**.

10 Public Comments Received During Statutory Publication Period

On 25.7.2025, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix V**). One comment from an individual objects to the application mainly on the grounds that the Site is located within Category 3 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 and brownfield operations should be accommodated in suitable zones; and the proposed use will create environmental, health and safety issues affecting the future residents of the approved planning applications for residential use adjoining the Site. The remaining comment from a member of the North District Council indicates no comment on the application.

11 Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse and ancillary open storage of construction materials and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP. 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. According to the applicants, the application is to facilitate the relocation of their business operations in Ma Tso Lung affected by KTN NDA development and the Site is considered suitable for relocation as identified by the applicants. In this regard, SDEV advises that the application is to facilitate the relocation of the two brownfield operations which have been affected by KTN NDA, and subject to concerned departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, sympathetic consideration could be given to the proposed use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land and further land filling on top at the whole Site with concrete of not more than 0.2m in depth for site formation and operational need. Filling of land within the “AGR” zone requires planning permission from

the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) has no objection to the application from public drainage viewpoint while DEP has no comment on the land filling of the application from the environmental 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 The Site is situated in an area of rural character comprising mainly domestic structures, vacant land, open spaces and a warehouse to the immediate southwest (with valid planning permission under application No. A/NE-TKL/767), as well as workshops, an open storage yard, a warehouse and a logistic centre within the “I(D)” zone to the west. 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 the proposed use is not entirely incompatible with the existing landscape character of the Site.
- 11.4 DEP does not support the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected. According to the applicants, environmental mitigation measures including erection of 2.5m tall corrugated metal fencing along the site boundary and locating the L/UL activities away from the residential dwellings are proposed. Should the application be approved, the applicants will be advised to follow the environmental mitigation measures as set out in the COP to minimise any potential environmental nuisance. While the Commissioner for Transport has no comment on the application, taking into account the context of the Site, approval conditions on the implementation and maintenance of the proposed traffic management measures and the submission of the design and provision of vehicular run-in/run-out to the Site are recommended. Regarding DAFC’s concern on the Ping Che Egretty, the applicant has committed to provide mitigation measures to avoid disturbance to the Ping Che Egretty as mentioned in paragraph 1.4 above, and will be advised to take note of DAFC’s comments (as mentioned in paragraph 9.3.1 (d) above) should the application be approved.
- 11.5 Other relevant government departments consulted, including the Director of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.6 There are two similar applications within the same “AGR” zone in the vicinity of the Site in the past five years which were approved with conditions by the Committee as mentioned in paragraph 6.1. The planning circumstances of the current application are similar to those of the approved similar applications. As such, approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and 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 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 provision of drainage facilities 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 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 the design of vehicular run-in/run-out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 5.3.2026;
- (g) in relation to (f) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 5.6.2026;
- (h) the implementation of traffic management measures, as proposed by the applicants, 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;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (c) or (i) 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;
- (k) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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

- (l) 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 IV**.

- 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 the 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

Appendix I	Application Form with Attachments received on 17.7.2025
Appendix Ia	FI received on 25.8.2025
Appendix Ib	FI received on 29.8.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**