

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/85

<u>Applicants</u>	: Mr. 李林榮 and Ms. 姚麗平 represented by Ying Shing (Hopewell) Engineering Co. Ltd.
<u>Site</u>	: Lot 529 S.A in D.D. 84, Hung Lung Hang, New Territories
<u>Site Area</u>	: About 1,320m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse for Storing Car Parts with Ancillary Office 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 for storing car parts with ancillary office 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 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 largely fenced-off, hard-paved¹ and occupied by some temporary structures (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from its north via local tracks leading to Kong Nga Po Road/Ping Che Road (**Plan A-1**). According to the applicants, the proposal consists of three one-storey temporary structures with building height of not more than 5m and a total floor area of about 480m² for warehouse, ancillary office and car parking canopy use. Three parking spaces for private car are proposed within the Site. An ingress/egress with 6m in width is proposed at the northern 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. No workshop activities will be carried out at any time during the planning approval period. The layout plan submitted by the applicants is shown in **Drawing A-1**.

¹ According to our record, the Site zoned “AGR” has been largely 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.

- 1.3 According to the traffic management measures proposed by the applicants, prior notification will be required for vehicles entering the Site; no gate will be installed and no vehicle will queue back onto the local road; staff will be deployed to manage the traffic; warning signs, flashing light, audio warning device, speed bump and convex mirror will be installed at the ingress/egress, along with an internal 1.2m-wide pedestrian pathway and road marking will be provided to ensure the safety of pedestrians; and no visitor vehicle or medium/heavy goods vehicle will be allowed to enter the Site.
- 1.4 The applicants also apply for filling of the entire site with granular fill at a depth of about 0.1m for site formation purpose. According to the applicants, the existing trees along the site boundary will be preserved and no tree felling will be involved. In terms of sewage treatment, the applicants propose to provide a portable toilet for the staff and a licensed waste contractor will regularly collect and dispose of the sewage to approved facilities.
- 1.5 In support of the application, the applicants have submitted the following documents:
- | | | |
|-----|--|----------------------|
| (a) | Application Form with attachments received on 4.8.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 4.9.2025* | (Appendix Ia) |
| (c) | FI received on 6.9.2025* | (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) as the Site is at a strategic location near major roads, logistics hub facilities and vehicle repair workshops, the proposed use could reduce operational costs, improve logistics and distribution efficiency, and support local vehicle and storage business development;
- (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; and
- (c) minimal adverse impacts on environment, traffic and landscape are anticipated. Should the application be approved, the applicants are committed to comply with all environmental protection requirements and implement tree protection measures.

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

The applicants are the sole “current land owners”. 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 four previous applications (No. A/DPA/NE-HLH/3, A/NE-HLH/1, 2 and 17) submitted by different applicants for temporary open storage of construction machinery and mechanical spare parts, which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board, the Board on review or dismissed by the Appeal Board Panel (Town Planning) on appeal between 2002 and 2012. 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 were four similar applications (No. A/NE-HLH/51, 68, 71 and 79) involving three sites for temporary warehouse within the same “AGR” zone in the vicinity of the Site in the Hung Lung Hang area in the past five years (**Plan A-1**). The applications were approved with conditions by the Committee 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) largely fenced-off, hard-paved, and occupied by some temporary structures; and
 - (b) accessible from its north via local tracks leading to Kong Nga Po Road/Ping Che Road.
- 7.2 The surrounding areas are rural in character comprising open storage yards, warehouses, temporary domestic structures, vacant land and tree clusters. A vegetated knoll is located to the east of the Site.

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 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.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraph 9.2 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.
- 9.2 The following government departments do not support or have adverse comment the application:

Land Administration

9.2.1 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) the following irregularity covered by the subject planning application has been detected by his office:

- (i) unauthorised structures within the said private lot covered by the planning application

LandsD has reservation on the planning application since there are unauthorised structures on the private lot which is already subject to lease enforcement actions according to case priority. The lot owners should rectify the lease breaches as demanded by LandsD. His office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (d) the following irregularity not covered by the subject planning application has been detected by his office:

- (i) unauthorised structures extended from the said private lot to adjoining Lot 534 in D.D. 84 not covered by the planning application

there are unauthorised structures extended from the said private lot to adjoining Lot 534 in D.D. 84 not covered by the subject 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;

- (e) the lot owners shall either remove the unauthorised structures not covered by the planning application immediately or include the unauthorised structures in the subject 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 and amendment as aforesaid required, apply to his office for Short Term Waiver (STW) to permit the structures erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The application for STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorised structures were erected and administrative fee as considered appropriate by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (f) the applicants should comply with all the land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval.

Agriculture

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

- (a) he does not support the application from agricultural perspective; and
- (b) agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as greenhouses and plant nurseries.

10. Public Comments Received During Statutory Publication Period

On 12.8.2025, 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 the subject of previously rejected applications; the Site would no longer be suitable for agricultural use as the proposed use will cause adverse environmental impacts; the application is not submitted to facilitate the relocation of brownfield operation affected by government project; and the Site does not fall 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). 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 for storing car parts with ancillary office 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” zone and DAFC does not support the application from agricultural perspective. Nonetheless, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.

- 11.2 The application involves filling of the entire site with granular fill at a depth of about 0.1m for site formation purpose. 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.
- 11.3 The Site, currently largely fenced-off, hard-paved and occupied by some temporary structures, is situated in an area of rural character intermixed with open storage yards, warehouses, temporary domestic structures, vacant land, tree clusters and vegetated knoll (**Plans A-2 to A-4b**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse impact on the landscape character and existing landscape resources within the Site is 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.
- 11.4 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 12.2 below. Should the application be approved, the applicants 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 concern on the unauthorised structures erected within and outside the Site, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There were four similar applications for temporary warehouse approved by the Committee between 2021 and 2025 in the vicinity of the Site (**Plan A-1**) as mentioned in paragraph 6 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.
- 11.6 Regarding the public comments mentioned in paragraph 10 above, the government departments’ comments and the planning assessments above are relevant. While the Site falls within Category 2 areas under the TPB PG-No. 13G, the considerations of the TPB PG-No. 13G are not applicable to the current application which involves warehouse use only.

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 19.9.2028. 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 19.3.2026;
- (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 19.6.2026;
- (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 19.3.2026;
- (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 19.6.2026;
- (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**.

- 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 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 applicants.

14. Attachments

Appendix I	Application Form with attachment received on 4.8.2025
Appendix Ia	FI received on 4.9.2025
Appendix Ib	FI received on 6.9.2025
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
Plan A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2025**