

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-LYT/846

<u>Applicant</u>	:	Mr. LEI Wa represented by Honest Land Surveys Company ¹
<u>Site</u>	:	Lot 386 RP in D.D. 85, Lau Shui Heung Road, Fanling, New Territories
<u>Site Area</u>	:	About 1,026m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Office and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) 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 not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is largely hard-paved, fenced-off and partly occupied by some vacant temporary structures (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from a footpath/local track leading to Lau Shui Heung Road (**Plan A-2**). According to the applicant, the proposed use for storage of metal hardware products/tools involves three single-storey temporary structures with building height of not more than 8m and a total floor area of 684m² for warehouse and ancillary office (**Drawing A-1**). One parking space and one loading/unloading (L/UL) for light goods vehicle (LGV) will be provided near the ingress/egress of the Site. LGV entering/exiting the Site will be via the proposed

¹ The applicant was originally represented by the Ms. CHEUNG Bo Fong, Monica at the time of submission. Subsequently, the applicant appointed the current representative to take forward the case, and notified the Town Planning Board Secretariat of such an arrangement on 18.7.2025.

vehicular access traversing the adjoining private lots outside the Site (**Drawing A-3, Plans A-2 and A-4a**). Prior appointment will be required for entering the Site, and road signs will be posted at the ingress/egress of the Site to alert drivers and pedestrians to be cautious regarding the traffic conditions. The proposed operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operations on Sundays and public holidays. The applicant also applies for regularisation of filling of land for the entire Site of not more than 0.15m in depth by concrete for site formation and vehicular circulation space (**Drawing A-2**). The layout, land filling and proposed vehicular access plans submitted by the applicant are shown in **Drawings A-1 to A-3** respectively.

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

- (a) Application Form with Attachments received on 26.2.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 28.2.2025 (**Appendix Ia**)
 - (c) Further Information (FI) received on 23.5.2025^ (**Appendix Ib**)
 - (d) FI received on 28.5.2025^ (**Appendix Ic**)
 - (e) FI received on 21.7.2025^ (**Appendix Id**)
 - (f) FI received on 13.8.2025^ (**Appendix Ie**)
 - (g) FI received on 12.9.2025^ (**Appendix If**)
 - (h) FI received on 16.9.2025^ (**Appendix Ig**)
- ^accepted and exempted from the publication and recounting requirements*

1.4 On 11.4.2025 and 18.7.2025, 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, SI and FIs at **Appendices I to Ig**, as summarised below:

- (a) the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the “AGR” zone;
- (b) there are approved similar applications for temporary warehouse use within “AGR” zones and approval of the current application is generally in line with the Committee’s previous decisions;
- (c) there are limited alternative options for warehouse use in the territory, and the Site is deemed suitable for meeting the demand for the proposed use;
- (d) the proposed use is considered not incompatible with the surrounding land uses and environment; and
- (e) the applicant undertakes to remove the existing unauthorised structures on-site, and apply for a Short Term Wavier (STW) in accordance with the approved scheme.

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

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

There is no previous application at the Site.

6. Similar Applications

6.1 There are two similar applications (No. A/NE-LYT/731 and 804) for temporary warehouse, involving a same site located further away from the Site falling within an area largely zoned “Residential (Group C)” (about 90%) with a small portion encroaching onto the subject “AGR” zone (about 10%) in the past five years (**Plan A-1**). Both applications were approved with conditions by the Committee in 2020 and 2023 respectively mainly on the considerations that the applied use was not incompatible with the surrounding areas where existing open storages, warehouses and workshop could be found; it was unlikely to cause any significant adverse traffic, environmental and drainage impacts; concerned government departments had no adverse comments; and/or the site and its adjoining area were the subject of previous approved application(s).

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-4b)

7.1 The Site is:

- (a) fenced-off, largely hard-paved, and partly occupied by some temporary structures;
- (b) covered by vegetated areas at the south-western portion, and generally bounded by tree groups or vegetated areas as well as temporary domestic structures; and
- (c) accessible from Lau Shui Heung Road via a footpath/local track to the north/east.

7.2 The surrounding areas are located in an area of rural character comprising clusters of domestic structures, fallow farmland and tree groups or vegetated areas. To the northeast across Lau Shui Heung Road and further southeast are the “Village Type Development” (“V”) zones of Ko Po and San Tong Po respectively. To the

further south across Kwan Tei River is a small knoll with dense vegetation zoned “Green Belt” (“GB”). There is currently no brownfield operation within the same “AGR” zone in the vicinity 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, planning permission from the Board is required for filling of land within the “AGR” zone, as the activity may cause adverse drainage and environmental impacts on the adjacent areas.

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 Recommended Advisory Clauses are provided at **Appendices III** and **IV** respectively.
- 9.2 The following government departments do not support or have adverse comments on the application:

Land Administration

9.2.1 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 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 planning application has been detected:

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. Erection of unauthorised structures should not be encouraged. The lot owner/applicant should remove the unauthorised structures immediately. The lot owner/applicant should rectify the lease

breaches as demanded by LandsD;

- (d) if the planning application is approved, the lot owner/applicant shall apply to his office for a STW to permit the structures to be erected within the said private lots. 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 STW, if approved, will be on the whole basis and subject to such terms and conditions including the payment of waiver fee as well as administrative fee as considered appropriate by LandsD. Given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (e) his advisory comments are at **Appendix VI**.

Agriculture and Nature Conservation

9.2.2 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.

Landscape

9.2.3 Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) the Site is fenced-off, mostly hard-paved and occupied by some temporary structures. Some vegetation are observed at the south-western periphery within the Site (**Plan A-4a**). Significant adverse impact on the existing landscape resources within the Site arising from the proposed use is not anticipated;
- (b) the Site is located in an area of rural inland plains landscape character comprising temporary structures, vegetated areas and scattered tree groups. The proposed use will affect the landscape character of the “AGR” zone where the “GB” zone is located to the further south; and
- (c) her advisory comments are at **Appendix VI**.

Traffic

9.2.4 Comments of the Commissioner for Transport (C for T):

- (a) her detailed comments on the traffic related information yet to be addressed by the applicant are detailed as the followings:
 - (i) the applicant shall use swept path analysis to demonstrate the satisfactory maneuvering of vehicles entering and exiting from the Site via the proposed vehicular access between the Site and Lau Shui Heung Road (**Drawing A-3**); and
 - (ii) the proposed vehicular access clashes with an existing fencing on the adjoining private lots. The applicant should review whether the alignment of the access is feasible; and
- (b) her advisory comments are at **Appendix VI**.

10. Public Comments Received During Statutory Publication Period

On 7.3.2025, the application was published for public inspection. During the statutory public inspection period, six public comments were received (**Appendix VI**). Four comments from the Chairman and the First Vice-Chairman of Fanling District Rural Committee, a villager of Ko Po and an individual object to the application mainly on the grounds that the proposed use, with an improper vehicular access arrangement, could lead to road safety issues in the area; the Site is not the subject of any previous planning approval; the filling of land at the Site is not covered by valid planning permission; the Site is not falling 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)²; the proposed layout without any parking or L/UL spaces may not support the logistic activities associated with the proposed use³; and there is no strong planning justifications in the submission for the proposed use. The two remaining comments from a member of North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) 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 long-term planning intention of the “AGR” zone which 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. In this regard, 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. There is no strong planning justification in the submission for a

² TPB PG-No. 13G is not applicable to the current application for the proposed warehouse use.

³ In response to the Transport Department’s comments, the proposed layout has been revised and one LGV parking space and one L/UL space is provided.

departure from such planning intention, even on a temporary basis.

- 11.2 The applicant also applies for regularisation of land filling of the entire Site with concrete by about 0.15m in depth for site formation purpose (**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 have no objection to the application from public drainage and environmental planning perspectives respectively.
- 11.3 The Site, which is largely hard-paved, fenced-off and currently occupied by some vacant temporary structures and covered by vegetated areas at the south-western portion, is situated in an area of rural character comprising clusters of domestic structures, fallow farmland and tree groups or vegetated areas (**Plans A-2 to A-4b**). To the northeast across Lau Shui Heung Road and further southeast are the “V” zones of Ko Po and San Tong Po respectively, and to the further south across Kwan Tei River is a vegetated knoll zoned “GB” (**Plan A-1**). Noting that the Site is generally surrounded by tree groups or vegetated areas and clusters of domestic structures, with no existing brownfield operations nearby, the proposed use is considered not compatible with the surrounding land uses (**Plans A-2 to A-4a**). CTP/UD&L, PlanD advises that while significant adverse impact on the existing landscape resources within the Site arising from the proposed use is not anticipated, the proposed use will affect the landscape character of the subject “AGR” zone. There is also neither approved previous application at the Site nor similar applications in the close vicinity of the Site (**Plan A-1**).
- 11.4 Regarding the proposed vehicular access connecting the Site to Lau Shui Heung Road to the north (**Drawing A-3** and **Plan A-2**), C for T advises that there is insufficient information in the submission to demonstrate the feasibility of the proposed access road. Other concerned government departments consulted, including the Director of Fire Services, have no objection to or adverse comment on the application.
- 11.5 There are two approved similar applications involving the same site located further away from the Site falling within an area largely zoned “R(C)” with a small portion encroaching onto the subject “AGR” zone as detailed in paragraph 6.1 (**Plan A-1**). Both applications were approved mainly on the considerations that it was not incompatible with surrounding areas where existing brownfield operations including warehouses, open storages and workshop could be found; and the site and its adjoining area were the subject of previously approved applications. The planning circumstances and considerations of these applications are not applicable to the current application in that the Site falls entirely within “AGR” zone; the proposed use under the current application is considered not compatible with the surrounding land uses; and the Site is not subject to any previous approval of warehouse use.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and the 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, PlanD does not support the application for the following reasons:

- (a) 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; and
- (b) the proposed use with associated filling of land is not compatible with the surrounding land uses.

12.2 Alternatively, 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 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 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 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. 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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments

Appendix I	Application Form with attachment received on 26.2.2025
Appendix Ia	SI received on 28.2.2025
Appendix Ib	FI received on 23.5.2025
Appendix Ic	FI received on 28.5.2025
Appendix Id	FI received on 21.7.2025
Appendix Ie	FI received on 13.8.2025
Appendix If	FI received on 12.9.2025
Appendix Ig	FI received on 16.9.2025
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Site Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Proposed Vehicular Access Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos