

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TKL/806**

- Applicant** : Utopia Ideal House Engineering Limited represented by Aikon Development Consultancy Ltd.
- Site** : Lot 979 (Part) in D.D. 82, Ta Kwu Ling, New Territories
- Site Area** : About 419m<sup>2</sup>
- 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
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials and Machineries with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machineries with ancillary facilities 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 the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant and covered with grass.
- 1.2 The Site is accessible from Ping Che Road (**Plan A-1**). According to the applicant, about 209m<sup>2</sup> or about 50% of the Site is intended for open storage of construction materials (i.e. scaffold, bricks, tiles, column, screws, etc.) and machineries (i.e. tamping rammer, generator, elevated platform, etc.). No dangerous goods will be stored at the Site. The proposed use also involves one single-storey temporary structure of not more than 3.5m in height with a total floor area of about 21m<sup>2</sup> for ancillary office use. One private car parking space and one light goods vehicle loading/unloading bay will be provided at the Site. The operation hours are between 8 a.m. and 7 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant also applies for filling of land at the entire Site with concrete of not more than 1.5m in depth to meet operational need. The applicant proposes traffic management measures including deploying staff to manage the traffic, installing flashing lights at the ingress and egress of the Site to alert pedestrians and to ensure adequate lighting, and requiring prior registration for vehicles to enter the Site. A 3m tall solid metal wall will be erected along the site boundary to

minimise nuisance to the surrounding areas. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachment received on 3.7.2025 **(Appendix I)**
- (b) Further Information (FI) received on 26.8.2025\* **(Appendix Ia)**

*\* accepted and exempted from publication and recounting requirements*

1.4 On 15.8.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

## **2. Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia**, as summarised below:

- (a) the proposed use will utilise the land and facilitate ongoing and flexible adaptation to meet the changing demands of land use. The proposed use is compatible with the surrounding areas predominated by open storage yards, warehouses, temporary structures and workshops and is commensurate with the local geographical setting;
- (b) the planning intention of "AGR" zone may hardly be materialised in short term. The temporary nature of the proposed use will not jeopardise the long-term planning intention of the "AGR" zone, considering that the proposed use under the current application is only being applied for a period of three years;
- (c) the Site falls within the 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) and the proposed use is considered not in contrary to TPB PG-No. 13G;
- (d) there are similar planning approvals within the "AGR" zone(s) on the OZP. Approval of the application will not set an undesirable precedent;
- (e) no adverse traffic, landscape, visual, environmental or infrastructural impacts are anticipated. The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) and comply with all environmental protection/pollution control ordinances; and
- (f) the applicant will apply to the Lands Department (LandsD) for Short Term Waiver (STW) for permitting the structure to be erected once the current application is approved.

## **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 giving notification to the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

#### **5. Background**

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

#### **6. Previous Application**

The Site is not the subject of any previous application.

#### **7. Similar Applications**

- 7.1 There are 16 similar applications involving 11 sites for temporary open storage use within the “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). 15 of these applications falling within the Category 2 areas under TPB PG-No. 13F/13G were approved with conditions by the Committee between 2020 and 2025 mainly on the considerations that they generally complied with the relevant TPB Guidelines; and there were no major adverse departmental comments and concerns of the relevant government departments could be addressed through imposition of approval conditions.
- 7.2 The remaining application No. A/NE-TKL/690 which fell within the Category 3 areas under the then TPB PG-No.13F was rejected by the Committee on 14.1.2022 mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “AGR” zone; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas. The site was subsequently designated as Category 2 areas and covered by one of the approved similar applications for temporary open storage use as mentioned in paragraph 7.1 above.
- 7.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) vacant and covered with grass; and
- (b) accessible from Ping Che Road.

8.2 The surrounding areas are of rural character comprising mainly open storage yards, storage use, parking of vehicles, domestic structures, a logistic centre, active/fallow

agricultural land and vacant land. An open storage yard which is covered with valid planning permission under application No. A/NE-TKL/758 is located to the northwest.

## **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 within the “AGR” zone 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 Departments**

- 10.1 Apart from the government department as set out in paragraph 10.2 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 IV** and **V** respectively.
- 10.2 The following government department does not support the application:

### **Agriculture**

- 10.2.1 Comments of the Director of Agriculture, Fisheries and Conservation (DAFC):
- (a) the application is not supported from the agricultural perspective; and
  - (b) the Site falls within the “AGR” zone and is generally abandoned. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

## **11. Public Comments Received During Statutory Publication Period**

On 11.7.2025, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix VI**). One comment from an individual objects to the application mainly on the grounds that the proposed use is not compatible with the planning intention of “AGR” zone and should be confined to other areas which are zoned for such purpose; the proposed use is not beneficial to the community and would negatively impact the nearby homes; and filling of land is an irreversible process that renders the soil unfit for cultivation in the long-run. The remaining comment from a member of the North District Council indicates no comment on the application.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary open storage of construction materials and machineries with ancillary facilities 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. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. 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.
- 12.2 The application involves filling of land at the entire Site with concrete of not more than 1.5m in depth to meet operational needs. Filling of land within “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 and Director of Environmental Protection have no objection to the application from the 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.
- 12.3 The Site is located in an area of rural character mainly comprising open storage yards (including one located to the northwest of the Site with valid planning permission under application No. A/NE-TKL/758), storage use, parking of vehicles, domestic structures, a logistic centre, active/fallow agricultural land and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from the landscape planning perspective and considers that significant adverse impact on existing resources arising from the proposed use is not anticipated.
- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with TPB PG-No. 13G in that relevant departments consulted, including the Commissioner for Transport, 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 concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the COP to minimise any potential environmental nuisance.
- 12.5 There are 16 similar applications for temporary open storage use within the “AGR” zone in the vicinity of the Site in the past five years. 15 of them falling within the Category 2 areas under TPG PG-No. 13F/13G were all approved with conditions by the Committee between 2020 and 2025 as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 12.6 Regarding the public comments as detailed in paragraph 11, the government departments’ comments and planning assessments above are relevant.

## **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department 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 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 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 19.6.2026;
- (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 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) the implementation of traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.6.2026;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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;
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (j) 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**

<b>Appendix I</b>	Application Form with Attachments received on 3.7.2025
<b>Appendix Ia</b>	FI received on 26.8.2025
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Filling of Land Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
SEPTEMBER 2025**