

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/807

- Applicant** : Luck Great Grobal Property Limited represented by Aikon Development Consultancy Ltd.
- Site** : Lots 1088 S.B (Part) and 1110 S.B (Part) in D.D. 82, Ta Kwu Ling, New Territories
- Site Area** : About 1,991m²
- 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 largely vacant and partly hard-paved.
- 1.2 The Site is accessible via a local track leading to Ping Che Road and is divided into two portions (i.e. the eastern and the western portions) (**Plan A-1**). According to the applicant, about 873m² or about 44% 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 220m² for ancillary office use. Two private car parking spaces, one light goods vehicle loading/unloading (L/UL) bay and one medium/heavy goods vehicle L/UL 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 regularisation of filling of land as the majority of the Site has already been filled with concrete of about 0.2m in depth, and further filling of land at the entire Site with concrete of not exceeding 0.7m in depth for

operational need (with the proposed site level of 10.0mPD at the eastern portion and 9.4mPD at the western portion). 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 2.5m 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:

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|---|----------------------|
| (a) Application Form with attachment received on 3.7.2025 | (Appendix I) |
| (b) Further Information (FI) received on 26.8.2025* | (Appendix Ia) |
| (c) FI received on 15.9.2025* | (Appendix Ib) |
| (d) FI received on 25.9.2025* | (Appendix Ic) |

** 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 FIs at **Appendices I** to **Ic**, 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 and temporary structures 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 were similar planning approvals within the "AGR" zone(s) on the OZP. Approval of the application will not set an undesirable precedent;
- (e) a majority of the Site has been paved and there is no existing tree within the Site. 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), comply with all environmental protection/pollution control ordinances and implement mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts; and

- (f) the applicant will apply to the Lands Department for Short Term Waiver for permitting the structures 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 obtaining consents of the “current land owners”. 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

Recent site inspection revealed that construction materials, vehicles and miscellaneous items were found at the Site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions if sufficient evidence to prove an “unauthorized development” under the Town Planning Ordinance is identified.

6. Previous Applications

- 6.1 The eastern portion of the Site is the subject of three previous applications (No. A/NE-TKL/598, 661 and 741) for temporary place of recreation, sports or culture (hobby farm) which were approved with conditions by the Committee between 2018 and 2024. As the application is for a different use, the planning considerations of these previous applications are not applicable to the current application.
- 6.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Applications

- 7.1 There are 16 similar applications (No. A/NE-TKL/671, 690, 695, 707, 714, 724, 734, 743, 745, 746, 758, 761, 763, 786, 805 and 806) involving 12 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 the application 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 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 reclassified as Category 2 areas and covered by one of the approved similar applications (i.e. No. A/NE-TKL/743) for temporary open storage use as mentioned in paragraph 7.1 above.
- 7.3 Details of the similar applications are summarised at **Appendix IV** 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) mostly vacant and partly hard-paved; and
 - (b) accessible via a local track leading to Ping Che Road.
- 8.2 The surrounding areas are of rural character comprising mainly open storage yards, storage use, parking of vehicles, a warehouse, domestic structures, a logistic centre, active agricultural land and vacant land. A “Green Belt” zone is located to the immediate east of the eastern portion of the Site.

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 departments 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 V** and **VI** respectively.
- 10.2 The following government departments do 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 vacant. 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.

Environment

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

- (a) since heavy vehicle is involved and domestic dwelling is identified within 100m from the site boundary, he is unable to lend support to the application from the environmental planning perspective;
- (b) no adverse comment on the proposed associated filling of land subject to the implementation of mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts;
- (c) no environmental complaint against the Site was received in the past three years; and
- (d) his advisory comments are at **Appendix VI**.

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 VII**). One comment from an individual objects to the application mainly on the grounds that the Site involves previous applications for hobby farm use but approval conditions were not complied with; and the Site was intended for brownfield use. 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. Nevertheless, 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 regularisation of filling of land at the majority of the Site with concrete of about 0.2m in depth, and further filling of land at the entire Site with concrete of not more than 0.7m in depth for operational need. 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 has no objection to the application from public drainage viewpoint while DEP has no adverse comment on the proposed associated filling of land subject to implementation of mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts. In response to DEP’s comment, the applicant advises that relevant mitigation measures will be implemented. Also, 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 comprising mainly open storage yards, storage use, parking of vehicles, domestic use, a logistic centre, active 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 the 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 the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and domestic dwelling within 100m from the site boundary is identified. According to the applicant, environmental mitigation measures including erection of 2.5m tall solid metal wall along the site boundary are proposed. Besides, the applicant commits to strictly follow the COP. DEP’s comments are also included in the Recommended Advisory Clauses at **Appendix VI**. 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 10.10.2028. 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 10.4.2026;
- (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 10.7.2026;
- (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 10.4.2026;
- (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 10.7.2026;
- (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 VI**.

- 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 3.7.2025
Appendix Ia	FI received on 26.8.2025
Appendix Ib	FI received on 12.9.2025
Appendix Ic	FI received on 25.9.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**