

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MTL/13

- Applicant** : 林志成 (Manager of Lam Tai Hing Tso)
- Site** : Lots 869 RP and 870 RP in D.D. 96, Ma Tso Lung, New Territories
- Site Area** : About 607m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ma Tso Lung and Hoo Hok Wai Outline Zoning Plan (OZP) No. S/NE-MTL/3
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Training Centre for Construction Industry 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 training centre for construction industry 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 and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly fenced off, formed and generally covered with grass (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from a local track leading to Ma Tso Lung Road (**Plan A-2**). According to the applicant, the proposed use is for a training centre which will offer three different training courses for cranes operators. The proposed use consists of four single-storey temporary structures with a total area of about 41m² and building heights not exceeding 2.5m for a classroom and office, store rooms and a toilet. Two private car parking spaces (2.4m (L) x 2m (W) each), two motorcycle parking spaces (2m (L) x 0.7m (W) each) and one parking and loading/unloading (L/UL) space for light goods vehicle (7m (L) x 3.5m (W)) are proposed at the eastern portion of the Site. A hard-paved training ground for the crane operations (about 172m² or about 28.3% of the Site) is proposed at the western end of the Site, with provision of three fixed designated areas to accommodate a crawler-mounted crane (履帶式固定吊臂起重機), a truck-mounted crane (貨車起重機), and a wheeled telescopic mobile crane (輪胎式液壓伸縮吊臂起重機) respectively

for training purposes. All the cranes will only operate within the designated training ground. The remaining area of the Site is mainly designated for circulation purpose. A 2.5m high solid boundary wall will be erected along the periphery of the Site to mitigate the noise generated from the proposed use. To minimise the safety risk, the applicant plans to schedule three different training courses for cranes operators at staggered times to ensure that only one crane is in operation at all times. There will be three staff members working at the Site to support the training courses, with each class accommodating not more than eight students. The operation hours of the proposed use are between 9:00 a.m. and 11:00 p.m. from Mondays to Saturdays excluding public holidays¹. Besides, no public announcement system, car washing or maintenance are allowed at the Site. A mobile toilet will be provided at the Site for sewage treatment and a licensed waste contractor will regularly collect and dispose of the sewage to approved facilities. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the applicant, an ingress/egress is proposed at the southwest of the Site (**Drawing A-1**) and sufficient space will be provided within the Site for manoeuvring of vehicles. According to the traffic management measures proposed by the applicant (**Appendix Ib**), signage has been erected and designated walkways have been proposed on the Site to ensure pedestrian safety. A staff will be deployed to ensure vehicle and pedestrian safety. According to the applicant, all the cranes are already in place near the Site. For future transportation, they will be dismantled into smaller components, each weighing less than 5.5 tonnes for reassembly on-site and disposal if necessary.
- 1.4 The applicant also applies for filling of land of about 172m² (or about 28.3% of the Site) with concrete, rubble, sand and soil by about 0.45m in depth for site formation purpose in support of crane operations (**Drawing A-1**). An existing tree within the Site will be retained.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 23.7.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 28.7.2025 (**Appendix Ia**)
 - (c) Further Information (FI) received on 3.9.2025 and 5.9.2025* (**Appendix Ib**)
 - (d) FI received on 10.9.2025* (**Appendix Ic**)
 - (e) FI received on 23.9.2025 and 25.9.2025* (**Appendix Id**)
 - (f) FI received on 8.10.2025 and 13.10.2025* (**Appendix Ie**)
 - (g) FI received on 15.10.2025* (**Appendix If**)

** accepted and exempted from publication and recounting requirements*

- 1.6 On 19.9.2025, the Rural and New Town Planning Committee (the Committee) decided to defer making a decision on the application as requested by the applicant 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, SI and FIs at **Appendices I to If**, as summarised below:

¹ According to the applicant, the training courses would be conducted between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays excluding public holidays, while the remaining time is for classroom lectures and crane maintenance only.

- (a) in response to the emerging developments in the construction industry, the proposed use aims to offer practical training courses for specialists in operating crawler cranes, crane lorries and wheeled telescopic mobile cranes. The applicant has submitted applications to the Labour Department (LD) for recognition of training courses for crane operators. The training courses will be conducted in accordance to LD's requirements;
- (b) the Site, located in Sheung Shui area, is easily accessible for students. The training courses will generate job opportunities and establish connections for future employment; and
- (c) no significant adverse environmental impact is anticipated. The applicant will strictly follow the Noise Control Ordinance (Cap. 400) and the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (the COP) issued by the Environmental Protection Department, and comply with the relevant mitigation measures and requirements.

3. **Compliance with the "Owner's Consent/Notification" Requirements**

The applicant is one of the "current land owners" of the Site and 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 other "current land owners". Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site was subject to planning enforcement action against unauthorized development (UD) involving filling of land (No. E/NE-MTL/37) (**Plan A-2**). An Enforcement Notice requiring discontinuation of the UD was issued on 10.2.2025. Subsequently, a Reinstatement Notice (RN) was issued on 25.2.2025 requiring reinstatement of the site (removal of the leftovers, debris and fill materials and grassing the site) and expired on 25.5.2025. Site inspections revealed that the site was covered by vegetation upon expiry of the RN. Compliance Notice was issued on 5.9.2025.

5. **Previous Application**

- 5.1 The Site is the subject of a previous application (No. A/NE-MTL/3) for a proposed temporary place of recreation, sports or culture with ancillary site office, open storage and car park for a period of three years and land filling, which was rejected by the Committee on 5.2.2021. The planning considerations of the previous application are not relevant to the current application for a different use.
- 5.2 Details of the previous application is summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Application**

There is no similar application for the same use within the same "AGR" zone in the Ma Tso Lung and Hoo Hok Wai area in the past five years.

7. **The Site and Its Surrounding Areas** (Plans A-1 and A-2, aerial photos on **Plan A-3a** and **A-3b** and site photos on **Plans A-4a** and **A-4b**)

7.1 The Site is:

- (a) currently vacant, partly fenced off, formed and generally covered with grass;
- (b) located about 30m to the south of a tributary of Ma Tso Lung Stream running in a southeast to northwest direction connecting to the wetland and fish ponds in Hoo Hok Wai;
- (c) located at the northern periphery of the Kwu Tung North New Development Area (KTN NDA); and
- (d) accessible from a local track leading to Ma Tso Lung Road. The section of Ma Tso Lung Road near Lo Wu Firing Range (Hoo Hok Wai bound) is a prohibited zone for vehicles exceeding 5.5 tonnes in gross weight 24 hours daily to prevent illegal pond and land filling activities in the fish pond/wetland areas of Hoo Hok Wai to the further north.

7.2 The surrounding areas are of rural character mainly comprising active/fallow agricultural land, domestic structures, open storage yards, warehouse², vegetated areas and tree clusters. Ma Tso Lung San Tsuen is located about 100m to the further northeast of the Site. To the south of the Site across a local track is the former Lung Kai Public School zoned “Government, Institution or Community” on the KTN OZP.

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 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 paragraphs 9.2 and 9.3 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 departments provide views on the application:

² The open storage yards and warehouse to the south of the Site are suspected UDs on government land subject to enforcement action.

Occupational Safety and Health Training

9.2.1 Comments of the Commissioner for Labour (C for L):

- (a) he has no comment on the application from occupational safety and health training point of view;
- (b) with regard to the occupation and safety health (OSH) in the proposed use, the applicant/employer/occupier of the proposed use should pay attention to and comply with the Occupational Safety and Health Ordinance (Cap. 509) and its sub-legislation, including but not limited to, the followings to ensure the OSH at work of all the employees: (i) provision and maintenance of safety plant and systems of work; (ii) arranging the safe use, handling, storage or transport of plant or substances; and (iii) provision of OSH information, instruction, training and supervision as may be necessary;
- (c) pursuant to the Factories and Industrial Undertakings Ordinance (Cap. 59), and its subsidiary regulations, he is empowered to recognise six types of mandatory safety training (MST) courses run by approved training course providers (TCPs). His office has developed a set of Approval Conditions and Guidance Notes for Operating MST Courses. A TCP, among others, should run its recognised MST courses in full compliance with the requirements stipulated in the respective guidelines; and
- (d) the applicant proposes that the Site will be used by three companies, namely Wai Wah Mechanical Limited (偉華機械有限公司), Kwankee (HK) Engineering Limited (君記工程有限公司), and Construction Machinery Operating Limited (建造機械操作有限公司). According to his office's record, these three companies are not approved TCPs to conduct any MST courses.

Traffic

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

- (a) she has no adverse comment on the application;
- (b) a section of Ma Tso Lung Road near Lo Wu Firing Range to the direction of Hoo Hok Wai is designated as a prohibited zone for all motor vehicle exceeding 5.5 tonnes in gross weight 24 hours daily except those with permits issued by the Transport Department; and
- (c) her other advisory comments are at **Appendix IV**.

9.3 The following government department does not support the application:

Agriculture and Nature Conservation

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

Agriculture

- (a) as the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” zone and is vacant land. There are some agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries;

Nature Conservation

- (c) given the temporary nature of the proposed use, he has no adverse comment on the application from nature conservation perspective; and
- (d) the Site is located at about 30m to the south of a tributary of Ma Tso Lung Stream, well beyond the buffer distance, and there is dense plantation in between.

10. Public Comments Received During Statutory Publication Period

On 5.8.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix V**). An individual objects to the application on the grounds that the Site is the subject of previously rejected application. One comment from Kadoorie Farm and Botanic Garden Corporation raises concerns that approval of the application would affect the Government’s development proposal in Ma Tso Lung area³, and suggests that the Site should be reinstated upon the expiry of the planning permission. The remaining public 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 training centre for construction industry 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**). Whilst 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, the proposed use is intended to provide skill training to workers for the emerging construction industry. The applicant has submitted applications to LD for recognition of training courses for crane operators, and has committed that the training courses will be conducted in accordance with LD’s requirements. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.

³ The Site is located within the project boundary of Ma Tso Lung Development which is at feasibility stage. According to the Board Land Use Concept Plan under the Preliminary Development Proposal for Ma Tso Lung area released by the Development Bureau in late December 2024, the area, as an extension of KTN NDA and a node linking KTN and the Loop, is mainly planned for private housing with open spaces and ancillary facilities. The site formation and infrastructure works could commence in 2027 the earliest.

- 11.2 The applicant also applies for filling of land of about 172m² (or about 28.3% of the Site) with concrete, rubble, sand and soil by about 0.45m in depth for site formation purpose in support of crane operations (**Drawing A-1**). 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 the public drainage viewpoint and Director of Environmental Protection (DEP) has no adverse comment on the filling of land. As the Site is zoned “AGR”, an approval condition requiring 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, located at the northern periphery of the planned KTN NDA in an area of rural character mainly comprising active/fallow agricultural land, domestic structures, open storage yards, warehouse, vegetated areas and tree clusters, is currently vacant, partly fenced-off, formed and generally covered with grass (**Plans A-2 to A-4b**). Given that the proposed use is temporary in nature and the Site is located at about 30m to the south of Ma Tso Lung Stream, well beyond the buffer distance, and there is dense plantation in between, DAFC has no adverse comment on the application from nature conservation perspective. The proposed use is not entirely incompatible with the surrounding areas. Noting that no tree felling will be involved and all works will avoid impact to existing trees, 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 DEP has no in-principle objection to the application from environmental planning perspective and advises that no environmental complaint has been received for the Site in the past three years. Other relevant government departments consulted, including the 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 and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the latest COP to minimise any possible environmental nuisance.
- 11.5 Regarding the public comments mentioned in paragraph 10, 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, 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 24.10.2028. 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 24.4.2026;

- (b) in relation to (a) above, the implementation of the 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 24.7.2026;
- (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 24.4.2026;
- (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 24.7.2026;
- (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 the expiry of the planning permission, the reinstatement of the Site, including removal of fill materials and hard paving, and grassing 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 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 Alternative, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 23.7.2025
Appendix Ia	SI received on 28.7.2025
Appendix Ib	FI received on 3.9.2025 and 5.9.2025
Appendix Ic	FI received on 10.9.2025
Appendix Id	FI received on 23.9.2025 and 25.9.2025
Appendix Ie	FI received on 8.10.2025 and 13.10.2025
Appendix If	FI received on 15.10.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**