

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/801

- Applicant** : Kwong Kei Lee Hardware
- Site** : Lots 282 RP, 283, 284 RP (Part), 286, 287, 288(Part), 290 (Part), 292, 293, 294, 295, 296, 297, 298 and 299 in D.D. 77, Ping Che, Ta Kwu Ling, New Territories
- Site Area** : About 3,431m²
- 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
- Zonings** : (i) “Agriculture” (“AGR”) (about 68% of the Site)
(ii) “Industrial (Group D)” (“I(D)”) (about 32% of the Site)
- Application** : Proposed Temporary Open Storage of Construction Materials, Machinery and Timber 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, machinery and timber 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” (about 68%) and “I(D)” (about 32%) on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Open Storage (not elsewhere specified)’ is a Column 1 use within the “I(D)” zone which is always permitted, while 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 Board. The Site is covered with vegetation with a small part occupied by agricultural land.
- 1.2 According to the applicant, the current application is to facilitate the relocation of business operation in Sheung Shui Wa Shan affected by government project, i.e. Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA). The affected operation involves a site area of about 3,291m². The affected site will be resumed by the Government with site clearance no later than late 2025.
- 1.3 The Site is accessible from Ping Che Road (**Plan A-1**). According to the applicant, about 709m² or about 21% of the Site is intended for open storage of construction materials, machineries and timber. The proposed use also involves 15 single-storey structures of not more than 6.5m in height with a total floor area of about 868m² for shelters for storage

of construction materials, machineries and timber, offices, storage rooms and toilets. The remaining open area will be used for three private cars parking spaces, two medium goods vehicles parking spaces/loading/unloading bays and vehicle manoeuvring space. The operation hours are between 9 a.m. and 6 p.m. from Mondays to Saturdays with no operation on Sundays and public holidays. The applicant also applies for filling of land of the entire Site with concrete of not more than 1m in depth to level the Site up to Ping Che Road to avoid flooding and facilitate drainage work. According to the applicant, out of the six existing trees/shrubs of common species on site, one tree will be retained and the rest will be felled. The applicant commits to reinstate the Site and replant the same number of trees/shrubs upon expiry of the planning permission. The applicant proposes traffic management measures including deploying staff to manage vehicles exiting/entering the Site and installing signs and signal lights at the entrance of the Site to ensure pedestrian safety. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachment received on 26.5.2025 **(Appendix I)**
- (b) Further Information (FI) received on 12.9.2025* **(Appendix Ia)**

** accepted and exempted from publication and recounting requirements*

1.5 On 18.7.2025, 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 application is submitted to facilitate the relocation of an existing business operation affected by KTN/FLN NDA. There is an imminent need to relocate the business to continue operation;
- (b) the applicant has spent efforts in identifying suitable site for relocation of the business operation such as in Hung Lung Hang and Tai Tong, but they were considered not suitable due to various reasons such as site area, accessibility and cost, etc. The Site is considered suitable for relocation as it is located at Ping Che Road, and the proposed site area (about 3,431m²) is similar to that of the affected business operations (about 3,291m²);
- (c) about one third of the Site is zoned "I(D)" where open storage use is always permitted. The proposed use is not incompatible with the surrounding land uses which consist mainly of open storage, warehouses and logistic centres. The proposed use will also meet the pressing demand of storage and port back-up uses; and
- (d) no adverse traffic, air and landscape impacts on the surrounding areas are anticipated. The applicant will follow the relevant environmental ordinances/guidelines.

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 posting site notice and sending notice to Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

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) promulgated by the Board on 14.4.2023 is relevant to the application. Part of the Site falls within Category 3 areas (about 68%) and the remaining part of the Site (about 32%) falls within Category 1 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. **Background**

The Site is not subject to any planning enforcement action.

6. **Previous Application**

The Site is not subject to any previous application.

7. **Similar Applications**

7.1 There are two similar applications (No. A/NE-TKL/672 and 765) involving one site for temporary open storage use within the “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). The two applications with the site falling within the Category 3 areas under TPB PG-No. 13F/13G were approved with conditions by the Committee in 2021 and 2024 respectively mainly on the considerations that it generally complied with the relevant TPB Guidelines; the site was subject to previous approvals; 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 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-4b)**

8.1 The Site is:

- (a) covered with vegetation with a small part occupied by agricultural land; and
- (b) accessible from Ping Che Road.

8.2 The surrounding areas are of rural character comprising mainly open storage yards within two “I(D)” zones located to the south and west, parking of vehicles, and active/fallow

agricultural land. Domestic structures within the “Village Type Development” (“V”) zone of Ping Che Kat Tin are located to the northeast. A farm (i.e. Ta Kwu Ling Farm) within the “Government, Institution or Community” (“G/IC”) zone is located to the further 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 Bureau/ Departments

- 10.1 Apart from the government bureau and departments as set out in paragraphs 10.2 and 10.3 respectively 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 bureau supports the application:

Policy Aspect

10.2.1 Comments of the SDEV:

- (a) the application is to facilitate relocation of a brownfield operation providing storage services, which will be affected by the Remaining Phase development of the FLN NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for reestablishment of the business elsewhere, and the Site under the current application is considered the most suitable for relocation; and
- (c) subject to concerned departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective.

- 10.3 The following government departments do not support the application:

Agriculture and Nature Conservation

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

Agriculture

- (a) the application is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” and “I(D)” zones and is generally abandoned. Part of the Site is being used for vegetable cultivation. The agricultural activities are active 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, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation; and

Nature Conservation

- (c) recent site inspection reveals that the Site is vegetated and covered with common weed. A tree of common species with fair condition is located within the Site. As such, he has no comment on the application from nature conservation perspective.

Environment

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

- (a) he is unable to lend support to the application from the environmental planning perspective since heavy vehicle is involved and domestic structures are located within 100m from the site boundary;
- (b) 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;
- (c) no environmental complaint against the Site was received in the past three years; and
- (d) his advisory comments are at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 3.6.2025, the application was published for public inspection. During the statutory public inspection period, eight comments were received (**Appendix VI**). Six comments from individuals and Kadoorie Farm & Botanic Garden Corporation object to the application mainly on the grounds that the proposed use will cause dust and noise pollution and affect the natural environment; it will negatively affect the road capacity and feng shui; the Site is not located in the Category 2 areas and is currently not being used as brownfield use; the Site is close to Ping Che Kat Tin; and the proposed use is not in line with the planning intention of the “AGR” zone. One comment from an individual provides view that pedestrian safety should be ensured. 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, machinery and timber with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” (about 68%) and “I(D)” (about 32%) on the OZP. While the proposed use is always permitted within the “I(D)” zone, it is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. According to the applicant, the application is to facilitate the relocation of the business operation in Sheung Shui Wa Shan affected by KTN/FLN NDA development and the Site is considered suitable for relocation as identified by the applicant. In this regard, SDEV advises that the application is to facilitate the relocation of a brownfield operation providing storage services, which will be affected by the Remaining Phase development of the FLN NDA, and subject to concerned departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, sympathetic consideration could be given 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 1m in depth to avoid flooding and facilitate drainage work. 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. As part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of that part 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 within two “I(D)” zones to the south and west, parking of vehicles, active/fallow agricultural land, domestic structures within “V” zone to the northeast and a farm within “G/IC” zone to the further northeast. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comments on the application from the landscape planning perspective.
- 12.4 The Site falls within the Category 1 (about 32%) and Category 3 (about 68%) areas under the TPB PG-No. 13G. The application generally complies with TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of brownfield operation affected by government project, and 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 structures within 100m from the site boundary is identified. In this regard, the applicant commits to follow the relevant environmental ordinances/guidelines. Should the

application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance.

- 12.5 There are two similar applications for temporary open storage use within the "AGR" zone in the vicinity of the Site in the past five years. They were approved with conditions by the Committee in 2021 and 2024 respectively 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 bureau and 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 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 before the commencement of any operation of the proposed use to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (b) in relation to (a) above, the provision of drainage facilities before the commencement of any operation of the proposed use to the satisfaction of the Director of Drainage Services or of the Town Planning Board;
- (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) the submission of the design of the vehicular run-in/out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.4.2026;
- (g) in relation to (f) above, the provision of the vehicular run-in/out to the Site within

9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.7.2026;

- (h) the implementation of the 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 24.7.2026;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (a) or (b) is not complied with before the commencement of any operation of the proposed use, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning condition (c) or (i) 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;
- (l) if any of the above planning condition (d), (e), (f), (g) or (h) 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
- (m) upon expiry of the planning permission, the reinstatement of the “AGR” portion 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

Appendix I	Application Form with Attachments received on 26.5.2025
Appendix Ia	FI received on 12.9.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	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
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**