

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/815

- Applicant** : Shun Yu Development Consultant Limited represented by R-riches Planning Limited
- Site** : Lots 968 (Part), 969 (Part), 970 (Part), 971 (Part), 972, 973, 975, 976, 977 and 978 RP in D.D. 82, Ping Che, Ta Kwu Ling, New Territories
- Site Area** : About 4,539m²
- 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 Machinery 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 machinery 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 vacant and partly covered with vegetation.
- 1.2 The Site is accessible from Ping Che Road (**Plan A-1**). According to the applicant, about 2,359m² or about 52% of the Site is intended for open storage of construction materials (i.e. tiles, pipes, bricks, etc.) and machinery (i.e. generator, elevator, etc.). The construction materials and machinery will only be stored at designated area with a stacking height of not more than 3m. No dangerous goods will be stored and no workshop activities will be carried out at the Site. No structure will be erected within the Site. The remaining open area will be used for one private car parking space, one container vehicle loading/unloading (L/UL) space and circulation space. The operation hours are between 9 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 Site has already been filled with soil of not more than 1.8 m in depth, and further filling of land at the entire Site with concrete of not more than 0.1m in depth (i.e. the proposed site level is about +8.8mPD) to provide a flat surface for the open storage area, parking and L/UL

spaces and circulation area. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

1.3 The applicant proposes traffic management measures including deploying staff to direct vehicles entering/exiting the Site, installing lighting and alarm systems at the ingress/egress of the Site to regulate traffic flow, erecting sign to ensure pedestrian safety, and requiring prior registration for vehicles to enter the Site. According to the applicant, a 3m buffer from the existing natural stream (i.e. Ping Yuen River) along the western site boundary has been provided to minimise any potential impacts on the surrounding areas. A 3m tall solid metal wall with CCTV system will also be erected along the site boundary to ensure no adverse impacts will be made to the Ping Yuen River.

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

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| (a) Application Form with attachment received on 25.8.2025 | (Appendix I) |
| (b) Further Information (FI) received on 9.10.2025* | (Appendix Ia) |
| (c) FI received on 16.10.2025* | (Appendix Ib) |

** accepted and exempted from publication and recounting requirements*

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 Ib**, as summarised below:

- (a) the proposed use will support the local open storage industry. It is not incompatible with the surrounding areas predominated by open storage yards, workshop and warehouse uses;
- (b) 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). Approval of the current application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone and will better utilise precious land resources in the New Territories;
- (c) there were similar planning approvals within the same “AGR” zone on the OZP. Approval of the application will not set an undesirable precedent within the same “AGR” zone; and
- (d) no open storage activities or filling of land will be carried out within the 3m buffer area from the existing natural stream along the western site boundary. No adverse traffic impact is anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP), implement relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts and comply with all environmental protection/pollution control ordinances.

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 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 not subject to any active planning enforcement action.

6. **Previous Application**

6.1 Majority of the Site is the subject of a previous application (No. A/NE-TKL/737) for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 11.9.2023. The planning considerations of the previous application which is for a different use are not applicable to the current application.

6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. **Similar Applications**

7.1 There are 17 similar applications (No. A/NE-TKL/671, 690, 695, 707, 714, 724, 734, 743, 745, 746, 758, 761, 763, 786, 805, 806 and 807) involving 13 sites for temporary open storage use within the "AGR" zone in the vicinity of the Site in the past five years (**Plan A-1**). 16 of these applications falling within the Category 2 areas under TPB PG-No. 13F/13G were approved with conditions by the Committee between 2021 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 the application was not in line with the planning intention of "AGR" zone and there was no strong justification for a departure from the planning intention; 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-4b)

8.1 The Site is:

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

8.2 The surrounding areas are of rural character comprising mainly vacant land, an open storage yard to the north of the Site which is covered with valid planning permission under application No. A/NE-TKL/758, storage uses, parking of vehicles and domestic structures across Ping Che Road. Ping Yuen River is running along the western boundary 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 and Nature Conservation

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

Agriculture

- (a) the application is not supported from the agricultural perspective;
- (b) the Site falls within the “AGR” zone and is generally vacant with some abandoned land. 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; and

Nature Conservation

- (c) the applicant should implement measures to protect nearby watercourses from adverse impacts during the construction and operational phases.

Environment

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

- (a) since residential dwellings are identified within 100m of the site boundary and the use of heavy vehicle is involved, 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) one substantiated environmental complaint related to dust against the Site was received in 2024¹; and
- (d) his advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 2.9.2025, 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 a previous application for warehouse use but approval conditions were not complied with; and the proposed use is close to a watercourse. 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 machinery and associated filling of land for a period of three years at the Site falling within an area 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 Site with soil of not more than 1.8 m in depth, and further filling of land at the entire Site with concrete of not more than 0.1m in depth to provide a flat surface for the open storage area, parking and L/UL spaces and circulation area. 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

¹. According to DEP, no dust nuisance was observed during site inspection but there was sign of land filling with soil at the Site. The contractor was reminded to implement dust mitigation measures.

Services Department has no in-principle 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 this regard, 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 vacant land, an open storage yard (located to the north of the Site with valid planning permission under application No. A/NE-TKL/758), storage uses, parking of vehicles and domestic structures. 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 the proposed use is not entirely incompatible with the landscape character of the surroundings and significant adverse impact on existing landscape resources within the Site 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 residential dwellings within 100m from the site boundary is identified. In this regard, the applicant proposes to erect a 3m tall solid metal wall along the site boundary. Besides, the applicant commits to strictly follow the COP. 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 17 similar applications for temporary open storage use within the “AGR” zone in the vicinity of the Site in the past five years. 16 of them falling within the Category 2 areas under TPG PG-No. 13F/13G were all approved with conditions by the Committee between 2021 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 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 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 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) the submission of the design of 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 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 (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;
- (k) if any of the above planning condition (a), (b), (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
- (l) 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 25.8.2025
Appendix Ia	FI received on 9.10.2025
Appendix Ib	FI received on 16.10.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Application
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
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2025**