

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/103

Applicant : Ms. TSIM Lee Hing Sita

Site : Lot 497 in D.D. 80, Ta Kwu Ling North, New Territories

Site Area : About 1,268m²

Lease : Block Government Lease (demised for agricultural use)

Plan : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2

Zoning : “Recreation” (“REC”)

Application : Proposed Temporary Warehouse for Storage of Construction Materials for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials for a period of three years at the application site (the Site) falling within an area zoned “REC” 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 within the “REC” zone requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved and occupied by a vacant temporary structure under demolition.
- 1.2 The Site is accessible via a local track leading to Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises a single-storey structure with a building height of not more than 8m and a total floor area of about 1,068m² for storage of construction materials, including but not limited to cement, steel bars, wood, brick and tiles, etc. No dangerous goods will be stored at the Site. Two loading/unloading (L/UL) bays for light goods vehicles (LGVs) are proposed within the Site. The applicant proposes traffic management measures including deploying staff to guide vehicles entering the Site and installing warning signs to prevent illegal parking. The operation hours are between 9:00 a.m. and 5:00 p.m. from Mondays to Fridays, with no operations on Saturdays, Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 The Site is part of two previous applications (No. A/NE-TKLN/31 and 34) submitted by different applicants for proposed temporary logistics warehouse and temporary private club respectively (**Plan A-1**), which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2020. Details of the previous applications

are set out in paragraph 5 below. Compared with the rejected previous application No. A/NE-TKLN/31 for similar warehouse use, the current application involves a much smaller site area and floor area with no provision of L/UL bay for heavy goods vehicles (HGVs). A comparison of application No. A/NE-TKLN/31 and the current application is as follows:

	Rejected Application No. A/NE-TKLN/31 (a)	Current Application No. A/NE-TKLN/103 (b)	Difference (b) – (a)
Site Area	about 9,017m ²	about 1,268m ²	- 7,749m ² / - 86%
Total Floor Area	about 5,000m ²	about 1,068m ²	- 3,932m ² / - 79%
No. of Structure(s)	2	1	- 1
Max. Height of Structures	not more than 10m	not more than 8m	- 2m
No. of L/UL Bay for LGVs	0	2	+ 2
No. of L/UL Bay for HGVs	1	0	- 1

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

- (a) Application Form with Attachments received on 6.8.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 5.9.2025* **(Appendix Ia)**
 - (c) FIs received on 5.9.2025 and 9.9.2025* **(Appendix Ib)**
 - (d) FI received on 19.9.2025* **(Appendix Ic)**
 - (e) FI received on 26.9.2025* **(Appendix Id)**
 - (f) FI received on 13.10.2025* **(Appendix Ie)**
- *accepted and exempted from publication and recounting requirements*

1.5 On 19.9.2025, the Committee 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 Ie**, as summarised below:

- (a) the application for proposed use is submitted to meet the market shortage and demand for warehouse use;
- (b) the traffic flow generated and attracted to the Site is expected between Monday to Friday during 12:00p.m to 3:00p.m. The proposed use will not cause substantial traffic impact on the surrounding road network and the adjacent single track Lin Ma Hang Road;
- (c) the warehouse will be designed as a closed structure to effectively block dust, noise and rainwater and to prevent affecting the surrounding environment. Measures on minimising noise impact, including adopting an enclosed design of the warehouse and prohibiting

using vehicle horns upon arrival at the Site will be undertaken by the applicant. Also, the applicant will construct drainage system to handle rainwater and to prevent flooding; and

- (d) the applicant will liaise with the Lands Department (LandsD) on land matters, including rectifying unauthorised structures in order to comply with relevant regulations.

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 consent from the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

- 4.1 The Site is currently not subject to any active planning enforcement action.
- 4.2 The Site largely falls within a previous enforcement case (No. E/NE-TKLN/73) regarding unauthorized storage use (deposit of containers) with Enforcement Notice (EN) issued on 5.10.2022 requiring the discontinuation of the unauthorized development (UD). As the UD was not discontinued after the EN expiry, relevant registered owners were convicted in October 2023 and September 2024. The UD was later found discontinued and Compliance Notices (CNs) were issued to relevant registered owners in March 2025.
- 4.3 The southern tip of the Site falls within a previous enforcement case (No. E/NE-TKLN/66) regarding unauthorized storage use (deposit of containers) with EN issued on 19.1.2022 requiring the discontinuation of the UD. As the UD was not discontinued after the EN expiry, relevant registered owners were convicted in May 2023 and March 2024. The UD was later found discontinued and CNs were issued to relevant registered owners in November 2024.

5. **Previous Applications**

- 5.1 The Site is part of two previous applications submitted by different applicants. Application No. A/NE-TKLN/34 for proposed temporary private club (skateboard training ground and golf driving range) with ancillary office was rejected by the Committee on 10.7.2020. Since application No. A/NE-TKLN/34 was of a different use, its planning considerations are not relevant to the current application.
- 5.2 Application No. A/NE-TKLN/31 for proposed temporary logistics warehouse covering a much larger area was rejected by the Committee on 6.3.2020 mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “REC” zone and the applicant failed to demonstrate that the proposed use would not generate adverse traffic and drainage impacts on the surrounding areas.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-TKLN/79 and 89) for proposed temporary warehouse within the same “REC” zone in the past five years. Application No. A/NE-TKLN/79 for proposed temporary warehouse for storage of construction material for a period of three years and associated filling of pond was rejected by the Committee on 19.7.2024 mainly on the grounds that there was no strong planning justification for a departure from the planning intention. Besides, the Director of Environmental Protection (DEP) did not support the application and the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) raised concern from landscape planning perspective.
- 6.2 Application No. A/NE-TKLN/89 for proposed temporary warehouse (timber and other associated materials) for a period of three years was approved with conditions by the Committee on 2.5.2025 for a period of three years mainly on the considerations that policy support from the Secretary for Development (SDEV) was obtained as the application was to facilitate relocation of business operations affect by government project, the applicant proposed measures to address traffic concerns and the Commissioner for Transport (C for T) had no comment on the application, and no major adverse departmental comments were received.
- 6.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4)

- 7.1 The Site is:
- (a) currently hard-paved and occupied by a vacant temporary structure under demolition; and
 - (b) accessible via a local track leading to Lin Ma Hang Road.
- 7.2 The surrounding areas are of rural character mainly comprising warehouses, open storage yard, construction site and vacant land.

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government department as set out in paragraph 9.2 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.

9.2 The following department objects to the application.

Land Administration

9.2.1 Comments of the District Lands Officer/North (DLO/N), LandsD:

- (a) he objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the Site is required to pass through Government Land (GL) but no right of access via GL is granted to the Site;
- (c) the following irregularity covered by the planning application has been detected by his office:

unauthorised structure within the said private lot covered by the planning application

LandsD has reservation on the planning application since there is unauthorised structure on the private lot which is already subject to lease enforcement actions according to case priority. The lot owner should rectify the lease breaches as demanded by LandsD. According to the record at the Land Registry, statutory orders (No. C/TC/000898/23/NT) under the Buildings Ordinance was registered against the unauthorised structure. Such unauthorized building works (UBW) cannot be considered for the Short Term Waiver (STW) application;

- (d) the following irregularity not covered by the planning application has been detected by his office:

unauthorised structure extended from the said private lot to adjoining private lot not covered by the planning application

there is unauthorised structure extended from the said private lot to Lot No. 499 in D.D. 80 not covered by the planning application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

- (e) unless and until the unauthorised structure including that subject to statutory order issued by Building Authority mentioned in paragraph 9.2.1(c) above is duly rectified by the lot owner/applicant, his office objects to the application which must be brought to the attention of the Board when they consider the application.

10. Public Comments Received During Statutory Publication Period

On 15.8.2025, 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 Site does not fall within Category 2 areas under the relevant Town Planning Guidelines; there is a similar application adjoining the Site rejected by the Committee; and there is no justification to approve the application. The remaining 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 warehouse for storage of construction materials for a period of three years at the Site falling within an area zoned “REC” on the OZP. While the proposed use is not in line with the planning intention of the “REC” zone, there is no known planned recreational development at the Site. Taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character mainly comprising warehouses, open storage yard, construction site and vacant land. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective, considering that the proposed use is not entirely incompatible with the surrounding area and significant adverse impact on existing resources arising from the proposed use is not anticipated.
- 11.3 Other relevant government departments consulted, including C for T, DEP, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application. Taking into account the context of the Site including its location and the existing traffic conditions on Lin Ma Hang Road, C for T advises that approval condition on restricting operation on Saturdays, Sundays and public holidays is recommended. To address the technical requirements of other government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structure erected within/outside the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 11.4 The Site is the subject of two previous applications. One of them for proposed temporary logistics warehouse (Application No. A/NE-TKLN/31) covering a larger site area was rejected by the Committee in 2020 mainly on the grounds as detailed in paragraph 5.2 above, including that the applicant failed to demonstrate that the proposed use would not generate adverse traffic and drainage impacts on the surrounding areas. For the current application, there are no adverse comments from concerned government departments on traffic and drainage aspects. Compared with the rejected previous application, the current application involves a much smaller site area and floor area. The planning circumstances of the current application are different from those of the rejected previous application.

- 11.5 There are two similar applications within the same “REC” zone in the vicinity of the Site in the past five years. Application No. A/NE-TKLN/79 was rejected by the Committee in 2024 mainly on the grounds as detailed in paragraph 6.1 above, including that there were adverse comments from relevant government departments. Another similar application No. A/NE-TKLN/89 was approved with conditions by the Committee in 2025 mainly on the considerations as detailed in paragraph 6.2 above. Apart from policy support, the planning circumstances of the current application are largely similar to the approved similar application. Approval of the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and the 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, the Planning Department 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 7.11.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 7.5.2026;
- (c) in relation to (b) 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 7.8.2026;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 7.5.2026;
- (f) in relation to (e) 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 7.8.2026;
- (g) if any of the above planning condition (a) or (d) 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; and

- (h) if any of the above planning condition (b), (c), (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.

Advisory Clauses

The Recommended Advisory Clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "REC" zone which is primarily for low-density recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the 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 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.

14. Attachments

Appendix I	Application Form with Attachments received on 6.8.2025
Appendix Ia	FI received on 5.9.2025
Appendix Ib	FIs received on 5.9.2025 and 9.9.2025
Appendix Ic	FI received on 19.9.2025
Appendix Id	FI received on 26.9.2025
Appendix Ie	FI received on 13.10.2025
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3b	Aerial Photos
Plan A-4	Site Photo