

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/108

<u>Applicant</u>	: Welltune Transportation Limited represented by Top Bright Consultants Limited
<u>Site</u>	: Lots 768 and 769 in D.D. 78, Ta Kwu Ling North, New Territories
<u>Site Area</u>	: About 1,725m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Private Vehicle Park for Crane Lorries and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary private vehicle park for crane lorries 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 hard-paved and occupied by some vacant temporary structures.
- 1.2 The Site is accessible via a local track leading to Lin Chuk Road (**Plan A-2**). According to the applicant, the proposed use comprises two single-storey shelters with a building height of about 7m and a total floor area of about 450m² for accommodating six parking spaces for crane lorries (under 24 tonnes) owned by the applicant to protect vehicles from sun and rain. Two parking spaces for private cars will be provided at the Site for staff or visitors. A 2.5m high hoarding will be erected along the boundary of the Site. No vehicle washing, paint spraying, repairs or workshop activities will be carried out at the Site. No vehicle without valid licence issued under the Road Traffic Ordinance will be allowed to be parked/stored on or enter/exit the Site. The operation hours for parking of vehicles are 24 hours daily, including public holidays. The applicant proposes traffic management measures, including installing speed limit and warning signs at the ingress/egress to ensure pedestrian safety. The applicant also applies for filling of land with soil and topped by concrete (about maximum 1m in depth) at the entire Site for site formation purpose. Also, the applicant submitted a drainage proposal to support the current application. 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:

- | | | |
|-----|--|----------------------|
| (a) | Application Form with Attachments received on 9.9.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 13.10.2025* | (Appendix Ia) |
| (c) | FI received on 20.10.2025* | (Appendix Ib) |
| (d) | FIs received on 22.10.2025 and 23.10.2025* | (Appendix Ic) |
| (e) | FI received on 31.10.2025* | (Appendix Id) |
- *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 Id**, as summarised below:

- (a) the applicant submits the current application to facilitate the relocation of his business operation in Kwu Tung North affected by the remaining phase of Kwu Tung North New Development Area (KTN NDA). The affected operation in Kwu Tung North involves a total site area of about 1,000m² and the applicant moved out of the affected site in 2022;
- (b) the applicant plays a significant role in the construction industry by supplying crane lorries to construction companies in Hong Kong. Approving the application would be a practical and reasonable solution to the applicant's relocation needs, as well as supporting the construction industry in Hong Kong;
- (c) the applicant has spent effort in identifying suitable site for relocation of the business operation, such as in Ta Kwu Ling North, Man Kam To and Hung Lung Hang areas, but were considered not suitable due to various reasons, such as site area, accessibility and surrounding land use. The Site is considered suitable for relocation as it offers convenient transport links and meets operational needs;
- (d) the Site has not been used for agricultural activities and left vacant for long. Making more efficient use of the Site would allow the applicant to continue his operation and make better use of Hong Kong's scarce land resources. Also, the proposed use is a desirable interim use and compatible with the surrounding area;
- (e) given the proposed use is small in scale, with a maximum of six round trips per day by crane lorries, it would generate minimal traffic volume. Vehicles will enter or exit the Site between 8:00 a.m. and 6:00 p.m. from Mondays to Saturdays. Also, under no circumstances would crane lorries queue outside the Site. Adverse traffic impact arising from the proposed use is not anticipated; and
- (f) the existing structures at the Site will be demolished. The applicant will apply Short Term Wavier (STW) from the Lands Department (LandsD) for erection of the proposed temporary structures if the application is approved by the Rural and New Town Planning Committee (the Committee) of the Board. Relevant mitigation measures, including paving the Site to minimise dust emissions, provision of fencing and no night-time operation will be implemented to minimise potential environmental impact. Also, the applicant will provide drainage facilities within the Site, and adverse drainage impact arising from the proposed use is not anticipated.

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

The Site is currently not subject to any active planning enforcement action.

5. Previous Application

The Site is not subject to any previous application.

6. Similar Application

There is no similar application within the same “AGR” zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) currently hard-paved and occupied by some vacant temporary structures; and
- (b) accessible via a local track leading to Lin Chuk Road.

7.2 The surrounding areas are of rural character mainly comprising vacant land and temporary structures for domestic use. Two “Green Belt” zones with some graves are located to the east and west of the Site.

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 within the “AGR” zone 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 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 II** and **III** respectively.

9.2 The following departments have adverse comment/do not support on the application.

Land Administration

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

- (a) he has adverse comment on 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:

structures within application lots covered by the planning application

there are structures on the private lots. The lot owner should immediately rectify any lease breaches or advise any toleration was given by competent authority to these structures. His office reserves the rights to take necessary lease enforcement action against any breaches without further notice;

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

occupation of GL not covered by the planning application

the GL adjoining the said private lots has been occupied with structures extended from the private lots concerned. The GL being occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. The lot owner should advise any toleration was given by competent authority to these structures. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the lot owner shall either (i) remove the structures and cease the occupation of the GL immediately, or provide any evidence for any toleration was given by competent authority to these structures; and subject to the approval of the Board to the planning application which shall have reflected the rectification/clarification as aforesaid required, apply to his office for STW to permit the structures to be erected. The

application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on the whole lot basis and subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner for any breach of the lease conditions, including any breaches already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered;

- (f) unless and until the structures and the occupation of GL are duly rectified/clarified by the lot owner/applicant, his office's adverse comment on the application must be brought to the attention of the Board when they consider the application; and
- (g) his advisory comments are at **Appendix III**.

Agriculture and Nature Conservation

9.2.2 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" zone and is generally occupied by some structures. 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, plan nurseries, etc. The Site possesses potential for agricultural rehabilitation; and

Nature Conservation

- (c) no comment on the application from nature conservation perspective.

10. Public Comments Received During Statutory Publication Period

On 16.9.2025, the application was published for public inspection. During the statutory public inspection period, two comments were received (**Appendix IV**). One comment from an individual objects to the application mainly on the grounds that there is no justification for approval of the application; the Site is not in Category 2 areas under relevant Town Planning Board Guidelines; there is no brownfield use in the surrounding area; and the Site is close to slopes. 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 private vehicle park for crane lorries 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 and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. According to the applicant, the application is to facilitate the relocation of his business operation in Kwu Tung North affected by KTN NDA and the Site is considered suitable for relocation as identified by the applicant. Taking into account the planning assessments below, there is no objection to the proposed use and associated filling of land on a temporary basis of three years.
- 11.2 The application involves filling of land with soil and concrete of about maximum 1m in depth at the entire Site for site formation purpose. Filling of land within the “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 and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. 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 greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The Site, which is currently hard-paved and occupied by some vacant temporary structures, is located in an area of rural character mainly comprising vacant land and temporary structures for domestic use. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective. She advises that the proposed use is not entirely incompatible with the surrounding area and significant adverse impact on the existing landscape resources within the Site is not anticipated.
- 11.4 Other relevant government departments consulted, including the Commissioner for Transport, Chief Engineer/Construction of Water Supplies Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in ‘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 unauthorized structures erected within the Site and occupation of GL, the applicant is advised to liaise with LandsD on these land administration matters should the Committee decided to approve the application.
- 11.5 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) 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;
- (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 7.8.2026;
- (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 7.5.2026;
- (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 7.8.2026;
- (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 III**.

- 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 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 9.9.2025
Appendix Ia	FI received on 13.10.2025
Appendix Ib	FI received on 20.10.2025
Appendix Ic	FIs received on 22.10.2025 and 23.10.2025
Appendix Id	FI received on 31.10.2025
Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	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-4c	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**