

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TKL/821**

- Applicant** : Shun Lee Development & Engineering Company represented by R-riches Planning Limited
- Site** : Lots 1344 (Part) and 1345 (Part) in D.D. 82, Ping Che, Ta Kwu Ling, New Territories
- Site Area** : About 8,579m<sup>2</sup>
- 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** : Temporary Open Storage of Construction Materials and Machinery, Containers and Vehicles and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of construction materials and machinery, containers and vehicles 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 fenced-off, hard-paved and occupied by the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Ping Che Road (**Plan A-1**). According to the applicant, about 4,625m<sup>2</sup> or 54% of the Site is intended for open storage of construction materials (i.e. tiles, pipes, bricks, etc.), machinery (i.e. generator, excavator, etc.), containers and vehicles. They will only be stored within designated area with a stacking height of not more than 3m. No storage of dangerous goods will be allowed and no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out at the Site at any time during the planning approval period. Nine one to two-storey structures of about 3-7m in height with a total floor area of about 212m<sup>2</sup> for site offices and storage of tools will be erected at the Site. The remaining open area will be used for four private car parking spaces, two container vehicle loading/unloading (L/UL) spaces 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 layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant also applies for regularisation of filling of land at the entire site with concrete of not more than 0.1 m in depth (i.e. the site level ranges from about +8.7mPD to +9.3mPD) to facilitate the provision of a flat surface for open storage for construction materials and machinery, containers and vehicles, site formation of structures, parking and L/UL spaces and circulation area. No further filling of land will be carried out at the Site. The land filling plan submitted by the applicant is shown in **Drawing A-2**. To support the application, the applicant has submitted an as-built drainage plan and a fire service installations (FSIs) proposal (**Drawings A-3 and A-4**).
- 1.4 The Site is the subject of 13 previous applications (No. A/DPA/NE-TKL/70 and 96, and A/NE-TKL/19, 100, 156, 225, 281, 315, 342, 443, 553, 622 and 707). The last application No. A/NE-TKL/707 for renewal of planning approval for temporary open storage of construction equipment and materials submitted by the same applicant as the current application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 23.9.2022. The planning approval lapsed on 15.10.2025. Details of the previous applications are set out in paragraph 5.1 below. Compared with the last approved previous application No. A/NE-TKL/707, the current application involves a slightly larger area (+98m<sup>2</sup>/-1%) and reduction in total floor area (-113m<sup>2</sup>/-35%) and number of structures (-11/-55%).
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachment received on 13.10.2025 **(Appendix I)**
  - (b) Supplementary Information (SI) received on 17.10.2025\* **(Appendix Ia)**
  - (c) Further Information (FI) received on 25.11.2025\* **(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, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) 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;
- (b) the applied use is not incompatible with the surrounding areas occupied by open storage yards, workshop and warehouse uses and 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;
- (c) the Site is the subject of various planning applications. The last application No. A/NE-TKL/707 for temporary open storage of construction materials and machinery which was submitted by the same applicant with a similar use as the current application was approved by the Committee in 2022. Approval of the current application is in line with the Committee’s previous decisions; and

- (d) adverse traffic impact is not anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP), implement mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts and comply with all environmental protection/pollution control ordinances to minimise adverse environmental impacts and nuisances to the surroundings area.

### **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**

Recent site inspection revealed that construction materials and miscellaneous items were observed at the Site. Warning letter was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions if there is sufficient evidence to prove an “unauthorized development” under the Town Planning Ordinance is identified.

### **6. Previous Applications**

- 6.1 The Site, in whole or in part, involves in 13 previous applications (No. A/DPA/NE-TKL/70 and 96, and A/NE-TKL/19, 100, 156, 225, 281, 315, 342, 443, 553, 622 and 707) for various open storage uses.
- 6.2 Nine applications (No. A/NE-TKL/156, 225, 281, 315, 342, 443, 553, 622 and 707) for temporary open storage of construction equipment and/or materials were approved with conditions by the Committee or by the Board on review between 2001 and 2022 mainly on the considerations that no major adverse departmental comments on the application were received; the application generally complied with the relevant Town Planning Board Guidelines; and there were no material changes in the planning circumstances since the previous temporary approval was granted. For the last approved application No. A/NE-TKL/707, all the approval conditions had been complied with and the planning approval lapsed on 15.10.2025. Compared with the last approved application, the current application is submitted by the same applicant with slightly different parameters as mentioned in paragraph 1.4 above.
- 6.3 The remaining four applications (No. A/DPA/NE-TKL/70 and 96, and A/NE-TKL/19 and 100) for various open storage/temporary open storage uses were rejected by the

Committee between 1993 and 1998 mainly on the grounds that the applied use was not in line with the planning intention for the area and there were no strong justifications for departure from the planning intention; the applied use was incompatible with the surrounding land uses; and no information was submitted to demonstrate that the applied use would not cause adverse traffic/drainage/environmental/landscape impacts.

- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

## **7. Similar Applications**

- 7.1 There are 17 similar applications (No. A/NE-TKL/671, 690, 695, 714, 724, 734, 743, 745, 746, 758, 761, 763, 786, 805, 806, 807 and 815) 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) fenced-off, hard-paved and occupied by the applied use without valid planning permission; and
  - (b) accessible via a local track leading to Ping Che Road.
- 8.2 The surrounding areas are of rural character comprising mainly open storage yards (including one located to the east of the Site which is covered with valid planning permission under application No. A/NE-TKL/734), storage uses, vacant land and domestic structures. Ping Yuen River lies along the eastern, northern and western boundaries 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 object to/ do not support the application:

### **Land Administration**

- 10.2.1 Comments of the District Lands Officer/North, Lands Department (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 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 structures/structures within the said private lot covered by the planning application

LandsD has reservation on the planning application since there are unauthorised structures/structures on the said private lots which are already subject to lease enforcement actions according to case priority. The lot owner should rectify the lease breaches as demanded by LandsD;

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

unlawful occupation of GL not covered by the planning application

the GL adjoining Lot No. 1345 in DD. 82 has been fenced off. The GL being illegally occupied is not included in the application. Regularisation would not be considered according to prevailing policy. Any occupation of GL without Government's prior approval is an offence under Cap. 28. 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 cease the illegal occupation of the GL not covered by the planning application immediately and, subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for Short Term Waiver (STW) to permit the structures erected/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 whole lot basis subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorised structures were erected 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 the 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 applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (f) unless and until the unlawful occupation of GL is duly rectified by the lot owner, his office objects to the application which must be brought to the attention of the Board when they consider the application; and
- (g) his advisory comments are at **Appendix V**.

**Agriculture and Nature Conservation**

10.2.2 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 sundries. 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 good site practice and measures to protect nearby watercourses from adverse impacts during the construction and operational phases.

## **11. Public Comment Received During Statutory Publication Period**

On 21.10.2025, the application was published for public inspection. During the statutory public inspection period, one comment was received from a member of the North District Council indicating no comment on the application (**Appendix VII**).

## **12. Planning Considerations and Assessments**

- 12.1 The application is for temporary open storage of construction materials and machinery, containers and vehicles and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The applied 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. Taking into account the planning assessments below, there is no objection to the applied 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 concrete of not more than 0.1 m in depth to facilitate the provision of a flat surface for open storage, site formation of structures, parking and L/UL spaces and circulation space. 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 and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. 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 open storage yards (including one located to the east of the Site with valid planning permission), storage uses, vacant land and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective and considers that further significant adverse impact within the Site arising from the applied 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. 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. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within the Site and the

illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 12.5 The Site, in whole or in part, is the subject of nine previous approved applications for temporary open storage use. The last application was approved in 2022 and the planning permission lapsed on 15.10.2025. 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 TPB 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 previous and similar applications. Approval of the current application is in line with the Committee’s previous decisions.

### **13. Planning Department’s Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comment in paragraph 11 above, PlanD 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 5.12.2028. The following conditions of approval and advisory clauses are suggested for Members’ reference:

#### Approval Conditions

- (a) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 5.3.2026;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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 5.6.2026;
- (d) in relation to (c) 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 5.9.2026;
- (e) if the above planning condition (b) 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;
- (f) if any of the above planning condition (a), (c) or (d) 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
- (g) 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 applied 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**

<b>Appendix I</b>	Application Form with Attachments received on 13.10.2025
<b>Appendix Ia</b>	SI received on 17.10.2025
<b>Appendix Ib</b>	FI received on 25.11.2025
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Drawing A-3</b>	As-built Drainage Plan
<b>Drawing A-4</b>	FSIs Proposal
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4b</b>	Site Photos