

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/260

- Applicants** : Ms. LU Adi and Mr. CHEN Biaoxin represented by Metro Planning & Development Company Limited
- Site** : Lot 355 (Part) in D.D. 87, Ta Kwu Ling, New Territories
- Site Area** : About 1,070m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land for a Period of 3 Years

1. The Proposal

- 1.1 The applicants seek planning permission for proposed temporary open storage of construction machinery and construction materials and associated filling of land for a period of three years at the application site (the Site) (**Plan A-1**) falling within an area zoned “AGR” on the OZP. 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, currently largely hard-paved and generally vacant with a temporary structure (**Plan A-4**).
- 1.2 The Site is accessible from its west via a local track leading to Kong Nga Po Road (**Plan A-1**). According to the applicants, the proposed use consists of two one-storey temporary structures with building height of not more than 3m and a total floor area of not more than 60m² for site office and toilet use. An area of about 620m² (58% of the Site) is designated for open storage of construction machinery (e.g. miniature excavator and electric generator) and construction materials (e.g. barricades, pipes and metal rods), and the remaining area is proposed for one loading/unloading space (7m (L) x 3.5m (W)) for light goods vehicle, vehicle waiting and circulation area. An ingress/egress with 8m wide is proposed at the northern boundary of the Site. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Sundays, including public holidays. No workshop activities will be carried out at any time during the planning approval period. The layout plan submitted by the applicants is shown in **Drawing A-1**.

- 1.3 According to the traffic management measures proposed by the applicants, a vehicle waiting area will be provided within the Site and no car gate will be installed so that no vehicle will queue back on the local road; no medium/heavy goods vehicle and container trailer/tractor will be allowed to enter the Site; and flashing lights and alarm will be provided at the ingress/egress to ensure the pedestrian safety.
- 1.4 The applicants also apply for land filling of the entire site by concrete with a depth of not more than 0.2m (**Drawing A-2**). A drainage proposal (**Drawing A-3**) with provision of U-channels and catchpits along the site boundaries is submitted by the applicants in support of the application. In terms of sewage treatment, the applicants propose to provide a septic tank and soakaway system, which will be designed according to the requirements of the Professional Persons Environmental Consultative Committee Practice Note 1/23.
- 1.5 In support of the application, the applicants have submitted the following documents:
- (a) Application Form with attachments received on 24.4.2025 (**Appendix I**)
 - (b) Further Information (FI) received on 5.8.2025* (**Appendix Ia**)
 - (c) FI received on 19.10.2025* (**Appendix Ib**)
- * accepted and exempted from publication and recounting requirements*
- 1.6 On 20.6.2025 and 19.9.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicants' request to defer making a decision on the application for two months each.

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form and FIs at **Appendices I to Ib**, as summarised below:

- (a) there is insufficient supply to meet the urgent demand for open storage and warehouse space in Ta Kwu Ling;
- (b) the Site falls within 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), which is considered suitable for open storage and port back-up uses;
- (c) the Site is in close proximity to other open storage yards. The proposed use is considered not incompatible with the surrounding areas; and
- (d) no significant adverse impacts on environmental, traffic, noise, and other aspects are anticipated.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are not a “current land owner” but have 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 of the current land owner. Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to this 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 subject to a planning enforcement case (No. E/NE-FTA/208) involving storage use (including deposit of containers) and use for place for parking of vehicles (**Plan A-2**). Reinstatement Notice (RN) was issued by the Planning Authority on 16.7.2025 requiring reinstatement of the concerned land by 16.10.2025. As the Site has not been reinstated upon expiry of the RN, prosecution action is being considered.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

7.1 There are five similar applications (No. A/NE-FTA/242, 244, 245, 246 and 251) for temporary open storage use within the same "AGR" zone in the vicinity of the Site in the past five years (**Plan A-1**), which were all approved with conditions by the Committee in 2024 mainly on the considerations that the relevant sites were reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G; the applications generally complied with TPB PG-No. 13G in that no major adverse departmental comments were received on the applications; and the concerns of the relevant government departments could be addressed through implementation 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-4)

8.1 The Site is:

- (a) fenced-off, currently largely hard-paved and generally vacant with a temporary structure; and
- (b) accessible via a local track leading to Kong Nga Po Road.

8.2 The surrounding areas are rural in character comprising open storage yards, warehouses, temporary structures, vacant land and tree clusters. A watercourse runs at about 30m to the southeast of the Site. Two sites with planning permission under applications No. A/NE-FTA/246 and 251 for temporary open storage use are located to the immediate east

of the site, while another site with planning permission under application No. A/NE-FTA/257 for temporary warehouse use is located to the west across a local access.

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 for “AGR” zone, as filling of land 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 departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided at **Appendices IV** and **V** respectively.
- 10.2 The following government departments do not support or have adverse comment on the application:

Land Administration

- 10.2.1 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) he has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot 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 subject planning application has been detected by his office:

Unauthorised structures within the said private lot covered by the planning application

there are unauthorised structures on the private lot. 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;

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

Unauthorised structures extended to adjoining private lot not covered by the planning application

there are unauthorised structures extended to Lots 345 and 356 in D.D. 87 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;

- (e) the lot owner/applicants shall remove the unauthorised structures 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 and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorized structure was erected and administrative fee as considered appropriate 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 proposed use is temporary in nature, only erection of temporary structure(s) will be considered;
- (f) unless and until the unauthorised structures not covered by the planning application are duly rectified by the lot owner/applicants, his office has adverse comment on the application and it must be brought to the attention of the Board when the application is being considered; and
- (g) the applicants should comply with all land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval.

Agriculture

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

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) 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 and plant nurseries, etc.

11. Public Comments Received During Statutory Publication Periods

On 2.5.2025, the application was published for public inspection. During the statutory public inspection period, five public comments were received (**Appendix VI**). Four comments from the World Wide Fund for Nature Hong Kong and three individuals object to the application on

the grounds that the proposed use and associated filling of land will result in adverse drainage impact to nearby pigsty; the Site has potential for agricultural rehabilitation; and the Site involves suspected unauthorized development. 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 machinery and construction materials and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). 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. Nonetheless, taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.
- 12.2 The Site, which is fenced-off and currently largely hard-paved, is generally vacant with a temporary structure, and is situated in an area of rural character intermixed with open storage yards, warehouses, temporary structures, vacant land and tree clusters (**Plans A-2 to A-4**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse impacts on the landscape character and existing landscape resources within the Site are not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 12.3 The application involves land filling of the entire site by concrete with a depth of not more than 0.2m (**Drawing A-2**). Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding 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 the greenery of the area is recommended should the Committee decide to approve the application.
- 12.4 Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicants will be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental nuisance on the surrounding areas. Regarding DLO/N, LandsD’s concerns on the unauthorised structures, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Site falls within Category 2 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.

- 12.6 There were five similar applications for temporary open storage use approved by the Committee in 2024 as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and the 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 mentioned 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 19.12.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 19.6.2026;
- (b) in relation to (a) above, the implementation of the drainage proposal 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 19.9.2026;
- (c) in relation to (b) above, the implemented drainage facilities should 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 19.6.2026;
- (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 19.9.2026;
- (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 the 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 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 applicants.

15. Attachments

Appendix I	Application Form with attachment received on 24.4.2025
Appendix Ia	FI received on 5.8.2025
Appendix Ib	FI received on 19.10.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Similar s.16 Applications within the "AGR" zone in the vicinity of the Site in the Fu Tei Au and Sha Ling Area
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Filling of Land Plan
Drawing A-3	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos