

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

APPLICATION NO. A/NE-FTA/270

Applicant : Able New Development Limited represented by R-riches Planning Limited

Site : Lots 335 and 337 in D.D. 87 and Adjoining Government land (GL), Hung Lung Hang, New Territories

Site Area : About 1,352m² (includes GL of about 318m² or about 24% of the Site)

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 Warehouse and 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 warehouse and 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 fenced-off, partly hard-paved and currently occupied by some temporary structures and storage of miscellaneous items without valid planning permission (**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 applicant, the proposed uses consist of two single-storey temporary structures with building height of about 8m and a total floor area of about 328m² for warehouse, site office and washroom. The proposed warehouse and the open storage area (approximately 233m² or about 17% of the Site) will be used for storage of construction materials (e.g., tiles, pipes, bricks, etc.) and machinery (e.g., excavators, diesel generators, air compressors, etc.), with outdoor stacking height not exceeding 3m. The remaining uncovered area (about 791m² or 59% of the Site) is proposed for circulation area as well as two parking spaces (5m (L) x 2.5m (W) each) for private car, one loading/unloading (L/UL) space (7m (L) x 3.5m (W)) for light goods vehicle, and one L/UL space (11m (L) x 3.5m (W)) for heavy goods vehicle. An ingress/egress with about 7.3m wide is proposed at the western boundary of the Site. The operation hours are

between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and storage of dangerous goods will be carried out at the Site at any time during the planning approval period. 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 covering about 722m² (53% of the Site) at the eastern portion of the Site and proposed filling of land covering about 630m² (47% of the Site) at the western portion, with concrete to a depth of not more than 0.2m for site formation purpose (**Drawing A-2**). According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site to ensure that no vehicle will queue back onto the local road; vehicles will be assigned to enter/exit the Site at different timeslots; and staff will be deployed to manage traffic, ensuring pedestrian safety and preventing illegal parking.
- 1.4 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with attachments received on 3.12.2025 **(Appendix I)**
 - (b) Further Information (FI) received on 5.1.2026* **(Appendix Ia)**
 - (c) FI received on 20.1.2026* **(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 and Ib**, as summarised below:

- (a) there is pressing demand for open storage and warehouse space in the New Territories;
- (b) the proposed uses are temporary in nature and approval of the application would better utilise land resources and not frustrate the long-term planning intention of the “AGR” zone;
- (c) 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;
- (d) the proposed uses are considered not incompatible with the surrounding areas which is dominated by warehouses and open storage yards. There are approved applications (No. A/NE-FTA/244 and 257) for similar uses in the vicinity of the Site;
- (e) should the application be approved, the applicant is committed to submit and implement drainage and fire service installations proposals, and strictly comply with all environmental protection/pollution control ordinances at all times during the planning approval period; and will follow the requirements in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) to minimise adverse environmental impacts and nuisance to the surrounding areas; and
- (f) the applicant will submit applications for Short Term Waiver (STW) and Short Term Tenancy to the Lands Department (LandsD) upon approval of the planning application.

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

The applicant is 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 by posting site notice and sending a notice to Ta Ku Ling Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

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

- 5.1 The Site is not subject to active planning enforcement action.
- 5.2 Lot 335 in D.D. 87 was subject to planning enforcement action against an unauthorized development (UD) involving storage use (No. E/NE-FTA/159) (**Plan A-2**). An Enforcement Notice (EN) was issued on 22.3.2017 requiring discontinuation of the UD. Subsequent site inspections revealed that the UD had been discontinued on the lot. A Compliance Notice (CN) in respect of the EN was issued on 5.11.2025.
- 5.3 Lot 337 in D.D. 87 was subject to planning enforcement action against another UD involving storage use (including deposit of containers) (No. E/NE-FTA/210) (**Plan A-2**). An EN was issued on 20.2.2025 requiring discontinuation of the UD. Subsequent site inspections revealed that the UD had been discontinued, and a CN in respect of the EN was issued on 21.8.2025. Subsequently, a Reinstatement Notice (RN) was issued on 25.8.2025 requiring reinstatement of the lot. Subsequent site inspections revealed that the lot had been reinstated. A CN in respect of the RN was issued on 19.12.2025.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

- 7.1 There are eight similar applications (No. A/NE-FTA/242, 244, 245, 246, 251, 253, 257 and 260) for temporary warehouse and/or 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 Rural and New Town Planning Committee (the Committee) in 2024 and 2025 mainly on the considerations that the relevant sites were reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G; the application generally complied with TPB PG-No. 13G in that no major adverse departmental comments were received on the applications; the proposed use was not entirely incompatible with the surrounding areas; 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, partly hard-paved and currently occupied by some temporary structures and storage of miscellaneous items without planning permission; and
- (b) accessible via a local track to the west 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 50m to the east and south of the Site. Three sites with planning permissions under applications No. A/NE-FTA/246, 251 and 260 for temporary open storage use are located to the immediate south 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 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 object to/do not support the application:

Land Administration

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

- (a) he has objection 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 irregularities covered by the subject planning application have been detected by his office:

(i) Unauthorised structure within Lot 335 in D.D. 87 covered by the planning application

LandsD has reservation on the planning application since there is an unauthorised structure on Lot 335 in D.D. 87 which is already subject to lease enforcement actions according to case priority. The lot owner should rectify the lease breaches as demanded by LandsD;

(ii) Unlawful occupation of GL adjoining the said private lots with unauthorised structures covered by the planning application

the GL within the Site (about 318m² as mentioned in the Application Form) has been fenced off/illegally occupied with unauthorised structures without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the planning application since there is illegal occupation of GL which regularization would not be considered according to the prevailing land policy. The lot owner should immediately cease the illegal occupation of GL and remove the unauthorised structures as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

(d) the lot owner/applicant shall remove the unauthorised structure and cease the illegal occupation of the GL immediately and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for 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 the whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorised structure was 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 owners for any breach of the lease conditions, including the breach(es) 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 uses are temporary in nature, only erection of temporary structures will be considered;

(e) unless and until the unauthorised structures and unlawful occupation of GL are duly rectified by the lot owner/applicant, his office has objection to the application and it must be brought to the attention of the Board when the application is being considered; and

- (f) the applicant 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 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.

11. Public Comments Received During Statutory Publication Periods

On 12.12.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). A comment from an individual objects to the application on the grounds that the proposed filling of land at the Site and adjoining sites, which are in close proximity to watercourses, will result in cumulative adverse drainage and environmental impacts; the Site is not the subject of any previous approval, and the application is not related to an existing brownfield operation affected by government development projects; and the Site involves suspected unlawful occupation and filling of GL. 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 warehouse and open storage of construction materials and machinery and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed uses are 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. Nonetheless, taking into account the planning assessments below, there is no objection to the proposed uses with associated filling of land on a temporary basis of three years.
- 12.2 The application involves regularisation of filling of land covering about 722m² (53% of the Site) at the eastern portion of the Site and proposed filling of land covering about 630m² (47% of the Site) at the western portion, with concrete to a depth of not more than 0.2m for site formation purpose (**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.

- 12.3 The Site, which is fenced-off, partly hard-paved and currently occupied by some temporary structures and storage of miscellaneous items, 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 uses are considered not entirely incompatible with the surrounding land uses. Noting that no distinctive landscape resources are observed within the Site and adverse landscape impact arising from the proposed uses is 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.
- 12.4 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. Should the application be approved, the applicant will be advised to follow the latest COP to minimise the possible environmental nuisance on the surrounding areas. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD's concerns on the unauthorised structures and unlawful 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 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 are eight similar applications for temporary warehouse and/or open storage use approved by the Committee in 2024 and 2025 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 23.1.2029. 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 23.7.2026;

- (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 23.10.2026;
- (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 23.7.2026;
- (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 23.10.2026;
- (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 uses with associated filling of land are 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 3.12.2025
Appendix Ia	FI received on 5.1.2026
Appendix Ib	FI received on 20.1.2026
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
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plan A-4	Site Photos

PLANNING DEPARTMENT

JANUARY 2026