

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/88

<u>Applicant</u>	: Smart Long Development Limited (皓朗發展有限公司) represented by M&D Planning and Construction Consultant Limited
<u>Site</u>	: Lot 189 RP (Part) in D.D. 87, Hung Lung Hang, New Territories
<u>Site Area</u>	: About 1,203m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Open Storage of Construction Machinery and Construction Materials and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks 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) 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, largely hard-paved and currently vacant with only a temporary structure (**Plan A-4**).
- 1.2 The Site is accessible from its south via a local track leading to Kong Nga Po Road (**Plan A-1**). According to the applicant, the uncovered area of the Site is proposed for open storage of construction machinery and construction materials, manoeuvring space, two parking spaces for private cars (for staff use) (5m (L) x 2.5m (W) each) as well as two parking spaces and loading/unloading (L/UL) spaces for medium goods vehicles (MGV) (11m (L) x 3.5m (W) each). The proposed use also consists of three one-storey temporary structures with building height of not more than 2.5m and a total floor area of about 8.25m² for a meter room and two portable toilets. An ingress/egress with 6m wide is proposed at the southern boundary of the Site. The proposed operation hours are from 8:00 a.m. to 9:00 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 As the ground level of the Site varies from +16.3mPD in the northern portion to +18mPD in the southern portion, the applicant also applies for proposed filling of land covering the entire site to depths of about 0.2m to 1.5m for site formation (**Drawing A-2**). According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided such that no vehicle will queue back onto the local road; warning signs will be installed; and staff will be deployed to manage traffic, ensuring pedestrian safety and preventing illegal parking. A drainage proposal (**Drawing A-3**) with provision of U-channels and catchpits along the site boundaries is submitted by the applicant in support of the application. A gap of 0.1m will be reserved at the toe of site hoarding to allow unobstructed flow of surface runoff. Suitable protective measures for nearby watercourses and pond, such as placing of sand bags along site boundaries and installation of site hoarding, will be provided during construction and operational phases.
- 1.4 The Site is the subject of a previous application (No. A/NE-HLH/59) submitted by the same applicant for the same use, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 3.2.2023, as detailed in paragraph 6 below. The planning permission was subsequently revoked on 3.8.2024 due to non-compliance with approval conditions. Compared with the previous application, the current application mainly involves revisions to the development layout and a decrease in total floor area by about 91.75%. A comparison of the major development parameters of the current application and the previous application is summarised as follows:

Major Development Parameters	Approved Scheme under Application No. A/NE-HLH/59 (a)	Proposed Scheme under Current Application (b)	Differences (b) – (a)
Site Area (about)	1,200m ²	1,203m ²	+3m ² (+0.25%)
No. of Structures	1 for storage use	3 for meter rooms and portable toilets	+2
Total Floor Area (about)	100m ² (for storage use)	8.25m ² (for meter room and toilets)	-91.75m ² (-91.75%)
BH	4m / one-storey	2.5m / one-storey	-1.5m (-37.5%)
No. of Parking Space for Private Vehicle	2	2	No change
No. of Parking Space and L/UL Space for MGW	2	2	No change

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

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|-----|--|----------------------|
| (a) | Application Form with attachments received on 25.11.2025 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 27.11.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 29.12.2025* | (Appendix Ib) |
| (d) | FI received on 8.1.2026* | (Appendix Ic) |

* *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 FIs at **Appendices I to Ic**, as summarised below:

- (a) 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);
- (b) the Site is the subject of a previous application (No. A/NE-HLH/59) submitted by the same applicant for the same use, which was approved by the Committee. Approval of the current application is in line with the Committee's previous decision;
- (c) the application is on a temporary basis and would not frustrate the long-term planning intention of the "AGR" zone;
- (d) the proposed use would optimise the use of land resources, drive economic activities and bring job opportunities;
- (e) the proposed use is considered not incompatible with the surrounding areas which are rural in character intermixed with workshops, open storage yards and woodlands; and
- (f) no adverse drainage, traffic, visual, landscape and environmental impacts are anticipated. As the original tenant of the Site has moved out, the approval conditions of the previous application (No. A/NE-HLH/59) were not complied with. Should the application be approved, the applicant is committed to implement traffic management measures as well as drainage and fire service installations (FSIs) proposals.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is the sole "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 not subject to any planning enforcement action.

6. Previous Application

- 6.1 The Site is the subject of a previous application (No. A/NE-HLH/59) submitted by the same applicant for the same use, which was approved with conditions by the Committee on 3.2.2023 mainly on the considerations that the applied use was generally in line with

the then TPB PG-No.13F; it was not entirely incompatible with the surrounding areas; and it would not have significant adverse environmental, traffic and drainage impacts. The planning permission was subsequently revoked on 3.8.2024 due to non-compliance with approval conditions relating to the submission/implementation of drainage and FSIs proposals. Compared with the previous application, the current application mainly involves revisions to the development layout and a decrease in total floor area as detailed in paragraph 1.4 above.

- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown in **Plan A-1**.

7. Similar Applications

- 7.1 There are 16 similar applications (No. A/NE-HLH/51, 54, 55, 59, 60, 61, 64, 66, 68, 70, 71, 75, 76, 81, 83 and 84) 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 between 2021 and 2025 mainly on the considerations that the relevant site was reclassified from Category 3 to Category 2 areas under TPB PG-No. 13F/13G; the application generally complied with TPB PG-No. 13F/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 IV** 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, largely hard-paved and currently vacant with only a temporary structure; and
 - (b) accessible via a local track to the south leading to Kong Nga Po Road.
- 8.2 The surrounding areas are rural in character comprising open storage yards, warehouses, temporary structures, domestic structures, fallow agricultural land, vacant land and tree clusters. To the further northeast is a site with valid planning permission under application No. A/NE-HLH/77 for temporary container storage yard, container vehicle park, vehicle repair workshop, logistics centre, warehouse and open storage of miscellaneous goods. A small pond is adjoining the northern boundary of the Site and Ping Yuen River runs at about 25m to the north of the Site. To the southwest of the Site is a wooded area intermixed with warehouses and open storage yards zoned “Green Belt”.

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 V** and **VI** 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

LandsD has reservation on the planning application as there are unauthorised structures on the said 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;

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

Unlawful occupation of GL not covered by the planning application

the GL adjoining the said private lot has been fenced off without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without the Government’s prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (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/applicant shall cease the illegal occupation of GL 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 structure(s) 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 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 owner 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 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/applicant, 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 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 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.

Environment

10.2.3 Comments of the Director of Environmental Protection (DEP):

- (a) he is unable to lend support to the application from environmental planning perspective as the proposed use involves the use of heavy vehicles and domestic structures are located within 100m from the site boundary (**Plan A-2**);
- (b) he has no particular comment on the proposed filling of land from environmental perspective;
- (c) no environmental complaint pertaining to the Site was received in the past three years; and

- (d) should the application be approved, the applicant should note his advisory comments in **Appendix VI**.

11. Public Comment Received During Statutory Publication Periods

On 2.12.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received (**Appendix VII**) from an individual objecting to the application on the grounds that the Site is the subject of a revoked previous application, which involves suspected unauthorized development and local objections.

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 as the Site possesses potential for agricultural rehabilitation. Nonetheless, taking into account the planning assessments below, there is no objection to the proposed use will associated filling of land on a temporary basis of three years.
- 12.2 The application involves proposed filling of land covering the entire site to depths of about 0.2m to 1.5m 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 has no objection to the application from public drainage perspective, while DEP has no particular comment on the proposed filling of land from environmental perspective. 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, largely hard-paved and currently vacant with only a temporary structure, is situated in an area of rural character intermixed with open storage yards, warehouses, temporary structures, domestic structures, fallow agricultural land, 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 no distinctive landscape resources are observed within the Site and significant adverse landscape impact arising from the proposed use 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 DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (**Plan A-2**). Should the application be approved, the applicant 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. 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. 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 The Site is the subject of a previously approved application (No. A/NE-HLH/59) (**Plan A-1**) submitted by the same applicant for the same use as the current application as detailed in paragraph 6.1 above. The planning permission was revoked on 3.8.2024 due to non-compliance with approval conditions. The applicant has committed to implement traffic management measures as well as drainage and FSIs proposals under the current application. Should the Committee decide to approve the application, the applicant will be advised that should there be failure to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further applications.
- 12.6 There are 16 similar applications for temporary open storage use approved by the Committee between 2021 and 2025 (**Plan A-1**) 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 comment 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 comment 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 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 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 VI**.

- 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 applicant.

15. Attachments

Appendix I
Appendix Ia

Application Form with attachment received on 25.11.2025
SI received on 27.11.2025

Appendix Ib	FI received on 29.12.2025
Appendix Ic	FI received on 8.1.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Application
Appendix IV	Similar s.16 Applications within the “AGR” zone in the vicinity of the Site in the Hung Lung Hang Area
Appendix V	Government Departments’ General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comment
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
Plans A-3a and A-3b	Aerial Photos
Plan A-4	Site Photos

PLANNING DEPARTMENT
JANUARY 2026