

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/269

<u>Applicant</u>	: Ms. LU Adi represented by Metro Planning & Development Company Limited
<u>Site</u>	: Lots 333 RP (Part) and 334 (Part) in D.D. 87, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 3,090m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: 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 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 generally fenced-off, hard-paved and currently occupied by some temporary structures and storage of miscellaneous items without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from its west via a local track leading to Kong Nga Po Road (**Plan A-2**). According to the applicant, the applied use comprises an area of about 1,560m² (51% of the Site) for open storage of construction machinery (e.g. miniature excavator and electric generator) and construction materials (e.g. barricades, pipes and metal rods), with the remaining uncovered area (about 827m² or 27% of the Site) for circulation area and one loading/unloading (L/UL) space (11m (L) x 3.5m (W)) for medium/heavy goods vehicle. It also consists of 12 one-storey temporary structures with building height of not more than 5.2m and a total floor area of about 703m² for ancillary storage, office, staff lounge and electric room. An ingress/egress with about 5m wide is designated at the western boundary of the Site. Fencing will be erected along the site boundaries. The operation hours are between 9:00 a.m. and 7:00 p.m. from Mondays to Sundays, including public holidays. No workshop activity will be carried out and no container trailer/tractor will access 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 of the entire site with concrete to a depth of not more than 0.2m (**Drawing A-2**). According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site, no car gate will be installed, and advance booking of L/UL space will be required to ensure that no vehicle will queue back onto the local road. Flashing lights and alarm will be installed at the ingress/egress to ensure pedestrian safety. 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. Suitable protective measures for nearby watercourses, such as placing of sand bags along site boundaries, will be provided during construction phase, and all proposed works will be placed at least 3m away from the top of the bank of the watercourse. In terms of sewage treatment, the applicant proposes 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.

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

- (a) Application Form with attachments received on 12.9.2025 (**Appendix I**)
- (b) Further Information (FI) received on 7.12.2025* (**Appendix Ia**)

** accepted and exempted from publication and recounting requirements*

- 1.5 On 7.11.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I** and **Ia**, as summarised below:

- (a) there is insufficient supply to meet the exigent 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 applied use is considered compatible with the surrounding areas;
- (d) no significant adverse impacts on traffic and environmental aspects are anticipated; and
- (e) the applicant will submit application for Short Term Waiver (STW) to the Lands Department (LandsD) upon approval of the planning application, and cease to occupy the adjoining Government land (GL) and remove the temporary structures thereon.

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 publishing newspaper notice and sending a notice to Ta Kwu Ling Rural Committee. 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

Part of the Site is subject to planning enforcement action against an unauthorized development (UD) involving storage use (No. E/NE-FTA/159) (**Plan A-2**). An Enforcement Notice was issued on 22.3.2017 requiring discontinuation of the UD. Site inspection on 14.1.2026 revealed that containers, machinery and miscellaneous items were stored. The Site is under close monitoring by the Planning Authority.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

- 7.1 There are seven similar applications (No. A/NE-FTA/242, 244, 245, 246, 251, 260 and 270) 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 from 2024 to 2026 mainly on the considerations that the relevant site was 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 application; 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-4b)

- 8.1 The Site is:
 - (a) generally fenced-off, hard-paved and currently occupied by some temporary structures and storage of miscellaneous items without valid 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, domestic structures, vacant land and tree clusters. A watercourse runs about 5m to the east of the Site. A cluster of proposed/existing temporary warehouse and open storage yards with planning permissions under applications No. A/NE-FTA/246, 251, 260 and 270 is 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 or 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 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 subject planning application has been detected by his office:
 - (i) Unauthorised structure within the said private lots covered by the planning application

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

- (d) the following irregularities not covered by the subject planning application have been detected by his office:
- (i) Unauthorised structure within the said private lots not covered by the planning application

there are unauthorised structures within Lot 333 RP in D.D. 87 not covered by the subject planning application. Also, an unauthorised structure not covered by the subject planning application was extended from Lot 334 in D.D. 87 to adjoining Lot 335 in D.D. 87. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
 - (ii) Unlawful occupation of GL with unauthorised structures not covered by the planning application

the GL adjoining Lot 334 in D.D. 87 has been illegally occupied with unauthorised structures without any permission. The GL being illegally occupied is not included in the application. Any occupation of GL without 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 owners/applicant shall remove the unauthorised structure and cease the illegal occupation of the GL not covered by the subject planning application immediately; or include the unauthorised structures within the private lots in the subject planning application for further consideration by relevant government departments 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 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 uses are temporary in nature, only erection of temporary structures will be considered;
- (f) unless and until the unauthorised structures and unlawful occupation of GL are duly rectified by the lot owners/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

- (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 infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as 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 applied use involves the use of heavy vehicles and residential dwellings are identified within 100m from the site boundary (**Plan A-2**);
- (b) he has no particular comment on the associated filling of land from environmental perspective;
- (c) there was one non-substantiated environmental complaint related to noise in 2023 pertaining to the Site, which was received in the past three years; and
- (d) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

11. Public Comments Received During Statutory Publication Periods

On 19.9.2025, 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 Site is not the subject of any previous approval; the application is not related to the relocation of an existing brownfield operation affected by government development projects; and the concerned area falls within Category 4 areas under TPB PG-No. 13G. 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 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 applied 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 applied use with associated filling of land on a temporary basis of three years.

- 12.2 The application involves regularisation of filling of land of the entire site with concrete to 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 has no objection to the application from public drainage perspective, while DEP has no particular comment on the 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 generally fenced-off, hard-paved and currently occupied by some temporary structures and storage of miscellaneous items without valid planning permission, 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-4b**). The applied use is considered not entirely incompatible with the surrounding land uses. Noting that no significant landscape resources are observed within the Site and significant adverse landscape impact arising from the applied 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 While DEP is unable to lend support to the application as the applied 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**), no substantiated environmental complaint pertaining to the Site was received in the past three years. 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 There are seven similar applications for temporary open storage use approved by the Committee from 2024 to 2026 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 6.2.2029. 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 6.8.2026;
- (b) in relation to (a) above, the implementation of the revised 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 6.11.2026;
- (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 6.8.2026;
- (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 6.11.2026;
- (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 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

Appendix I	Application Form with attachments received on 12.9.2025
Appendix Ia	FI received on 7.12.2025
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
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**