

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/89

- Applicant** : Smart Long Development Limited (皓朗發展有限公司)
- Site** : Lots 173 (Part) and 175 RP (Part) in D.D. 87, Ta Kwu Ling, New Territories
- Site Area** : About 3,659m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Warehouse (excluding Dangerous Goods Godown) and Open Storage of Miscellaneous Goods with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) and open storage of miscellaneous goods with ancillary facilities 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 currently occupied by the applied uses without valid planning permission (**Plans A-4a to A-4c**).
- 1.2 The Site is accessible from its south via a local track leading to Kong Nga Po Road (**Plan A-2**). According to the applicant, the applied uses consist of four one-storey temporary structures with building height of not more than 6m and a total floor area of about 1,300m² for warehouses and ancillary offices. About 950m² (26% of the Site) is for open storage of miscellaneous goods, and the remaining uncovered area (about 1,409m² or 38.5% of the Site) is for circulation area as well as two parking spaces (5m (L) x 2.5m (W) each) for private cars and two parking or loading/unloading spaces (11m (L) x 3.5m (W) each) for heavy goods vehicles. Two separate ingress/egress points, each with 7.3m wide, are located at the western boundary of the Site. A 2.5m high solid metal fencing will be erected along the site boundary. The operation hours are from 9:00 a.m. to 6:00 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 The applicant also applies for regularisation of filling of land for the entire site at a depth of about 0.15m (**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 at the ingress/egress to ensure the pedestrian safety; staff will be deployed to manage traffic; and advance registration will be required for all vehicles entering the Site. Suitable protective measures for the nearby watercourse, such as reserving a minimum setback of 3m from the watercourse and installation of site hoarding, will be provided during construction and operational phases.
- 1.4 The northern part of the Site is the subject of a previous application (No. A/NE-HLH/6) (**Plan A-1**) submitted by a different applicant for temporary open storage of construction equipment, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2006. Details of the previous application are set out in paragraph 6.1 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 16.12.2025 (**Appendix I**)
 - (b) Supplementary Information (SI) received on 19.12.2025 (**Appendix Ia**)
 - (c) Further Information (FI) received on 23.1.2026 and 27.1.2026* (**Appendix Ib**)
 - (d) FI received on 30.1.2026* (**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 applied uses are considered not incompatible with the surrounding areas which are intermixed with warehouses and open storage yards;
- (b) the Site has been formed;
- (c) temporary planning permission would not jeopardize the long-term planning intention of the Site;
- (d) no adverse noise nuisance, environmental and traffic impacts 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 one of the “current land owners” and 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 obtaining consents of the other two current land owners. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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) 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 northern part of the Site is subject to active planning enforcement actions against unauthorized development (UD) involving storage use (No. E/NE-HLH/163) and storage use (including deposit of containers) (No. E/NE-HLH/164) respectively (**Plan A-2**). Two Enforcement Notices (ENs) were issued on 9.12.2025 requiring discontinuation of the UD. If the ENs are not complied with, prosecution action would be considered by the Planning Authority.

6. Previous Application

6.1 The northern part of the Site is the subject of a previous application (No. A/NE-HLH/6) submitted by a different applicant for temporary open storage of construction equipment, which was rejected by the Committee on 17.3.2006 mainly for reasons of being not in line with the planning intention of the “AGR” zone and no strong justification for a departure for the planning intention; not complying with the then TPB PG-No. 13E in that the applied use was not compatible with the rural character of the surrounding areas and the adjacent domestic structures; there was no previous planning approval granted to the site; and no information had been submitted to demonstrate that the use would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

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 22 similar applications involving 17 sites 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**).

7.2 Amongst them, 20 similar applications (No. A/NE-HLH/51, 54, 55, 59, 60, 61, 64, 66, 68, 70, 71, 75, 76, 79, 81, 82, 83, 84, 85 and 88) were approved with conditions by the Committee between 2021 and 2026 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 application; the proposed/applied 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.

- 7.3 The remaining two applications (No. A/NE-HLH/77 and 80), which fall within Category 3 areas under TPB PG-No. 13G, were also approved with conditions by the Committee in 2024 and 2025 mainly on the grounds that the Secretary for Development rendered policy support to the application for relocation of brownfield operation affected by government projects; 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.
- 7.4 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-4c)

- 8.1 The Site is:
- (a) fenced-off, hard-paved and currently occupied by the applied uses without valid planning permission; 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, vacant land and tree clusters. A watercourse runs along the eastern boundary of the Site. To the immediate north of the Site are a cluster of proposed/existing brownfield operations, such as temporary container storage yard, container vehicle park, vehicle repair workshop, logistics centre, warehouse and open storage of miscellaneous goods, construction machinery and construction materials, with valid planning permissions under applications No. A/NE-HLH/68, 76, 77 and 80.

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 have objection 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 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. No right of access via GL is granted to the Site;
- (c) the Site consists of Lot 173 (Part) and 175 RP (Part) in D.D. 87 with unauthorised structures erected and illegal occupation of adjoining GL as further elaborated in sub-paragraphs (d) and (e) below. The subject planning application only covers 26% (about) of the business operation of the application lots. Such partitioning approach should not be encouraged;
- (d) the following irregularity covered by the subject planning application has been detected by his office:

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

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

- (e) the following irregularities not covered by the subject planning application have been detected by his office:

Unauthorised structures within the said private lots not covered by the planning application

there are unauthorised structures within the said private lots not covered by the subject planning application. 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;

Unlawful occupation of GL not covered by the planning application

the GL adjoining the said private lots has been fenced off or illegally occupied with structures 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;

- (f) the lot owners/applicant shall either remove the unauthorized structures and cease the illegal occupation of GL not covered by the subject planning application immediately, or include the unauthorized structures and the

adjoining GL being illegally occupied in the subject planning application for further consideration by the relevant departments 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 STWs and Short Term Tenancy (STT) to permit the structures erected/to be erected and occupation of GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW and STT, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date when the unauthorized structures were erected and the occupation of GL, as well as 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;

- (g) unless and until the unauthorized structures and unlawful occupation of GL are duly rectified by the lot owners, 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
- (h) 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.

11. Public Comment Received During Statutory Publication Periods

On 23.12.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). Two comments from two individuals object 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 Site involves suspected unauthorised land filling and building works. 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 warehouse (excluding dangerous goods godown) and open storage of miscellaneous goods with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The applied uses are 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 applied uses with associated filling of land on a temporary basis of three years.
- 12.2 The application involves regularisation of filling of land for the entire site at a depth of about 0.15m (**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, hard-paved and currently occupied by the applied uses 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-4c**). The applied uses are considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that the applied uses would not likely result in adverse impacts on distinctive landscape character/resources.
- 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 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. 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 northern part of the Site is the subject of a previous application (No. A/NE-HLH/6) (**Plan A-1**) for temporary open storage use submitted by a different applicant, which was rejected by the Committee in 2006 as mentioned in paragraph 6.1 above. In view that the Site now falls within Category 2 areas under TPB PG-No. 13G as mentioned in paragraph 12.5 above, the planning circumstances of the current application are different from those of the rejected previous application.

- 12.7 There are 22 approved similar applications for temporary warehouse and/or open storage uses within the same “AGR” zone, of which 20 applications with the sites falling within Category 2 areas under TPB PG-No. 13G as mentioned in paragraph 7.2 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.
- 12.8 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 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 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) the implementation of traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 6.11.2026;
- (g) in relation to (f) above, the implemented traffic management measures should be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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;

- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (j) 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 applied uses 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 16.12.2025
Appendix Ia	SI received on 19.12.2025
Appendix Ib	FI received on 23.1.2026 and 27.1.2026
Appendix Ic	FI received on 30.1.2026
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 Comments
Drawing A-1	Layout Plan
Drawing A-2	Filling of Land Plan
Plan A-1	Location Plan

Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

PLANNING DEPARTMENT
FEBRUARY 2026