

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/56

<u>Applicant</u>	: 德暉電子有限公司
<u>Site</u>	: Lot 664 S.A in D.D. 90 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 2,409m ² (including about 359m ² of GL, or about 14.9% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse for Storage of Car Parts 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 for storage of car parts and associated filling of land for a period of three years at the application site (the Site), which falls 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 on a filled platform that is largely fenced off, generally vacant, partly covered by plastic mulch, and partly hard-paved without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of business operation at the original site affected by the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) which has been resumed by the Government. The affected operation involves a total site area of about 3,000m² as claimed by the applicant.
- 1.3 According to the submission, the Site is traversed by an existing streamcourse and divided into northern and southern portions, which will be connected by a proposed new steel decking platform (7m (L) x 4m (W)) for pedestrian traffic only¹. The proposed use comprises two single-storey warehouse structures with a total floor area of about 1,000m²

¹ According to the applicant, the existing platform on site will be demolished. A new platform, comprising a steel plate deck supported by steel structures, will be provided for pedestrian traffic and the conveyance of goods by hand-pushed trolleys only, with no provision for vehicular access.

and building heights not exceeding 7m, located in the northern and southern portions of the Site respectively. One medium goods vehicle (MGV) loading/unloading (L/UL) space (11m (L) x 3.5m (W)) is proposed within the southern portion of the Site. No parking space is available at the Site. The operation hours of the proposed use are between 8:00 a.m. and 5:00 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 The Site is abutting Lin Ma Hang Road to the south (**Plan A-2**). According to the applicant, a 7m-wide ingress/egress is proposed at the south of the Site and sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis for MGV is submitted in support of the application. Loading and unloading operations will be carried out during off-peak hours (9:00 a.m. to 12:00 p.m. and 2:00 p.m. to 5:00 p.m.) on Mondays to Fridays. According to the traffic management measures proposed by the applicant (**Appendix If**), traffic warning signs and convex mirrors will be provided at the ingress/egress to ensure pedestrian safety; and car gate will be kept open during daily operation hours to prevent vehicles from queuing outside the Site.
- 1.5 The applicant also applies for regularisation of land filling over an area of about 2,050m² (or about 85% of the Site) with concrete by not more than 3.15m in depth for site formation purpose (**Drawing A-2**). No further land filling will be carried out at the Site. A drainage impact assessment, including a drainage proposal (**Drawing A-3**), with the provision of a 375mm surface U-channel along the site periphery, is submitted by the applicant in support of the application. The existing open channel (2.1m (W) x 2.7m (D)) bisecting the Site is proposed to be modified to a trapezoidal open channel (3m (W) x 3.2m (D)) to increase flow capacity. No structures are allowed within 3m from the top bank of the trapezoidal open channel. A gap of 0.1m will be reserved at the toe of site hoarding to allow unobstructed flow of the surface runoff.
- 1.6 The Site is the subject of two previous applications (No. A/NE-MKT/25 and 33) for proposed temporary warehouse and open storage for construction materials, and proposed temporary public vehicle park (excluding container vehicle) respectively. Details of the previous applications are detailed in paragraphs 5.1 and 5.2 below.
- 1.7 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 14.11.2025 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 19.11.2025 and 20.11.2025 (**Appendix Ib**)
 - (d) Further Information (FI) received on 24.11.2025* (**Appendix Ic**)
 - (e) FI received on 10.12.2025* (**Appendix Id**)
 - (f) FI received on 19.12.2025# (**Appendix Ie**)
 - (g) FI received on 30.12.2025* (**Appendix If**)
 - (h) FI received on 12.1.2026 and 13.1.2026* (**Appendix Ig**)

* *accepted and exempted from publication and recounting requirements*

accepted but not 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, SPS, SI and FIs at **Appendices I to Ig**, as summarised below:

- (a) the proposed use is to facilitate the relocation of brownfield operation affected by HSK/HT NDA. The applicant wishes to relocate the business to the Site to continue the business operation;
- (b) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas;
- (c) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (d) there are similar precedent cases (No. A/NE-MKT/17², 34, 35 and 37) approved by the Rural and New Town Planning Committee (the Committee) in the same “AGR” zone. Approval of the current application is in line with the Committee’s previous decisions;
- (e) good site practice and measures will be implemented to protect the nearby watercourse during the construction and operational phases. The adjoining natural stream outside the Site will not be affected by the proposed drainage improvement work. No significant adverse impacts in terms of environmental, traffic, drainage, etc. are anticipated; and
- (f) the applicant will liaise with the Lands Department (LandsD) on the land administration matters should the Committee approve the application.

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

The applicant is not a “current land owner” but 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 consent of “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL within the Site, TPB PG-No. 31B is not applicable to the application.

4. Background

- 4.1 The Site is subject to active planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers) (No. E/NE-MKT/41) (**Plan A-2**). Enforcement Notices (ENs) were issued on 22.2.2023 and 27.3.2025 to the registered land owners and occupier respectively requiring discontinuation of the UD. As the UD was discontinued upon expiry of the ENs, the ENs were considered complied with. Accordingly, Compliance Notices were issued on 5.9.2025.

² Application No. A/NE-MKT/17 is for proposed temporary rural workshop (timber yard and sawmill) for a period of three years which was approved with conditions by the Committee on 30.4.2021. However, the planning permission was revoked on 30.11.2023 due to non-compliance with approval conditions relating to implementation of the drainage and fire services installations (FSIs) proposal and proposals for environmental mitigation measures.

- 4.2 Subsequently, a Reinstatement Notice (RN) was issued on 8.9.2025 to the registered land owners requiring removal of fill materials, debris and leftovers, and grassing the land by 8.12.2025. A recent site inspection revealed that the site was partly grassed. However, majority of the fill materials were not removed. The level of the site was substantially higher than the adjacent unaffected vegetated land. As the site was not fully reinstated as required by the RN, prosecution action is being taken.

5. Previous Applications

- 5.1 The Site is the subject of two previous applications (No. A/NE-MKT/25 and 33) submitted by two different applicants. Application No. A/NE-MKT/25 for proposed temporary warehouse and open storage for construction materials for a period of three years was rejected by the Committee in September 2023 mainly on the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; being failed to demonstrate that the proposed use would not generate adverse traffic, drainage and environmental impacts on the surrounding areas; and not complying with the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that adverse comments from relevant government departments and local objections had been received.
- 5.2 The other application (No. A/NE-MKT/33), involving a minor portion of the Site, for proposed temporary public vehicle park (excluding container vehicle) with ancillary electric vehicle charging facility for a period of three years and associated filling of land was rejected by the Committee in August 2024. Its planning considerations are not relevant to the current application for a different use.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plans A-1 and A-2**.

6. Similar Applications

- 6.1 There are nine similar applications (No. A/NE-MKT/26, 29, 31, 34, 35, 37, 39, 40 and 46) for temporary warehouses with or without open storage within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**).
- 6.2 Amongst them, six applications (No. A/NE-MKT/34³, 35, 37, 39, 40 and 46) were approved by the Committee between July 2024 and July 2025 mainly on the considerations that the application was to facilitate relocation of business operations affected by government projects (i.e. Kwu Tung North/Fanling North and Yuen Long South NDAs) and the Secretary for Development (SDEV) rendered policy support to the application; there was no major adverse departmental comments on the applications; and the proposed use was not entirely incompatible with the surrounding land uses.
- 6.3 The remaining three applications (No. A/NE-MKT/26, 29 and 31) were rejected by the Committee/the Board on review in 2023 mainly for the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; and

³ Application No. A/NE-MKT/34 was for temporary warehouse for storage of construction materials for a period of three years and associated filling of land which was approved with conditions by the Committee on 20.9.2024. However, the planning permission was revoked on 20.9.2025 due to non-compliance with approval conditions relating to submission and implementation of drainage proposal, and implementation of FSIs proposal and traffic management measures.

being failed to demonstrate that the proposed use would not induce adverse traffic, drainage, landscape and/or environmental impacts on the surrounding areas.

- 6.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4b)

- 7.1 The Site is:

- (a) on a filled platform that is largely fenced off, generally vacant, partly covered by plastic mulch, and partly hard-paved without valid planning permission;
- (b) bisected by a streamcourse running in a southeast to northwest direction, over which a decking platform is built to connect the northern and southern portions; and
- (c) abutting Lin Ma Hang Road to the south.

- 7.2 The surrounding areas are of rural character mainly comprising warehouses, domestic structures/village houses, and vegetated areas including seasonal marsh and tree clusters. To the northeast is a temporary warehouse for timber and other associated materials covered with a valid planning permission under application No. A/NE-MKT/35. To the north is a densely vegetated knoll zoned “Green Belt”, which is a permitted burial ground for indigenous villagers. To the south across Lin Ma Hang Road is the village proper of San Uk Ling zoned “Village Type Development” on Fu Tei Au and Sha Ling OZP. To the further west is the Man Kam To Animal Inspection Station and Livestock Monitoring Station.

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices IV** and **V** respectively.
- 9.2 The following government bureau supports the application.

Policy Aspect

Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation providing warehouse service which was previously situated at the ex-Lot 677 in D.D. 125 in Yuen Long. The brownfield operation has been affected by the Second Phase Development of HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the businesses elsewhere, and the Site under the current application is the most suitable relocation site. The site area under the current application generally tallies with the area of the original premises of the affected brownfield operation; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported by policy perspective.

9.3 The following government departments object to/do not support/have adverse comments on the application.

Land Administration

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

- (a) he objects 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. 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) unless and until the disturbance and the unlawful occupation of GL are duly rectified by the lot owner/applicant, it should be taken as his office objects to the application which must be brought to the attention of the Board when it considers the application;
- (d) the applicant should provide evidence(s) to prove his/her statements that (i) the commencement of the demolition works for the unauthorised structure and the reinstatement of the watercourse concerned; and (ii) cessation of the illegal occupation of GL; and
- (e) his other advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

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

Agriculture

- (a) as the Site processes potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective;

- (b) the Site falls within the “AGR” zone and is generally vacant. 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.;

Nature Conservation

- (c) he has no adverse comment on the application from nature conservation perspective; and
- (d) his other advisory comments are at **Appendix V**.

Environment

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

- (a) he is unable to lend support to the application from environmental planning perspective since heavy vehicle is involved and domestic dwelling is identified within 100m from the site boundary (**Plan A-2**);
- (b) he has no comment on the filling of land;
- (c) the Site was subject to six environmental complaints between 2022 and 2025, involving suspected illegal depositing of construction & demolition materials. Site inspections between April 2022 and July 2022 revealed that land filling had been undertaken, and the person in charge of the works was reminded that the Waste Disposal Ordinance (Cap. 354) should be fully complied with. Some reinstatement works had subsequently been taken and no on-going land filling activities were observed. Subsequently, during the site inspection in January 2023, his office noticed that the Site had been paved for storage use and no construction activity or land filling activity was noticed. In September 2025, site inspections revealed that no illegal disposal of construction waste activities were observed and sign of demolition works in progress had been observed. As no violation of the environmental legislation is identified, no enforcement action is deemed necessary; and
- (d) his other advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Periods

On 21.11.2025 and 30.12.2025, the application was published for public inspections. During the statutory public inspection periods, a total of 11 public comments were received (**Appendix VI**). Amongst them, nine comments from the Indigenous Inhabitant Representatives of Muk Wu and San Uk Ling, World Wide Fund for Nature Hong Kong, Kadoorie Farm and Botanic Garden Corporation (two submissions) and four individuals (one submission involving 16 signatures) object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; the Site is the subject of suspected UD/involved in ongoing enforcement case(s) and previously rejected application; the proposed use will cause adverse drainage, traffic and ecological impacts on the surrounding areas, as well as pose safety risks and environmental nuisance to nearby residents; and ‘destroy first, building later’ should

not be encouraged. A commenter further suggests that, should the application be approved, the Site should be reinstated upon the expiry of the planning permission. The remaining two public comments from a member of the North District Council indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse for storage of car parts 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 possess potential for agricultural rehabilitation. Nevertheless, the application is submitted to facilitate the relocation of brownfield operations affected by HSK/HT NDA; and the Site is considered suitable for relocation as identified by the applicant, SDEV supports the application. Taking into account the planning assessments below and with the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 11.2 The Site is currently subject to active planning enforcement action against unauthorized land filling as mentioned in paragraph 4.2 above (**Plan A-2**). The applicant applies for regularisation of land filling over an area of about 2,050m² (or about 85% of the Site) with concrete by not more than 3.15m in depth 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 adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage viewpoint and DEP has no comment on the filling of land from environmental planning perspective. As the Site is zoned “AGR”, an approval condition requiring 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.
- 11.3 The Site, abutting Lin Ma Hang Road to the south, is located in an area of rural character mainly comprising warehouse, domestic structures/village houses, and vegetated areas including seasonal marsh and tree clusters (**Plans A-2 to A-3b**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that the Site is fenced-off without significant landscape resources, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that significant adverse impact arising from the proposed use is not anticipated.
- 11.4 DEP does not support the application as the proposed use involves use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic dwellings) in the vicinity of the Site is expected (**Plan A-2**). Other relevant government departments consulted, including the Director of Fire Services, Chief Highway Engineer/New Territories East of Highways Department and Commissioner for Transport, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix V** respectively. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within the Site and the illegal occupation of GL,

the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 The Site is the subject of a previous application for proposed temporary warehouse and open storage for storage of construction materials (**Plan A-2**), which was rejected by the Committee in 2023 as detailed in paragraph 5.1 above. Compared with the previous application, policy support was given by SDEV to the current application for relocation of the affected use to the current site; no open storage use is involved in the current application; and the concerns of government departments could be addressed through imposition of approval conditions. In addition, there are six similar applications related to the relocation of brownfield operations affected by government projects, which were approved with conditions by the Committee between July 2024 and July 2025 (**Plan A-1**) as detailed in paragraph 6.2 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments mentioned in paragraph 10, the government departments' comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 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 impact assessment 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 flood mitigation measures and drainage facilities identified in the drainage impact assessment 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 flood mitigation measures and drainage facilities shall 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 provision of vehicular run-in/run-out to the Site within 9 months from the date

of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 6.11.2026;

- (g) the implementation of the 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;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (c) or (h) 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;
- (j) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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
- (k) upon the expiry of the planning permission, the reinstatement of the Site, including removal of fill materials and hard paving, and grassing 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**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 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.
- 13.3 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.

14. Attachments

Appendix Ia	SPS
Appendix Ib	SI received on 19.11.2025 and 20.11.2025
Appendix Ic	FI received on 24.11.2025
Appendix Id	FI received on 10.12.2025
Appendix Ie	FI received on 19.12.2025
Appendix If	FI received on 30.12.2025
Appendix Ig	FI received on 12.1.2026 and 13.1.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Drawing A-3	Drainage Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
FEBRUARY 2026**