

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

**APPLICATION NO. A/NE-FTA/264**

- Applicant** : Brilliant Profit Limited represented by Aikon Development Consultancy Limited
- Site** : Lots 346, 347 S.A, 347 S.B, 347 RP, 348 RP, 349 RP, 351 RP, 352 S.B RP, 361 RP (Part) and 366 RP in D.D. 87 and Adjoining Government Land (GL), Kong Nga Po, Sheung Shui
- Site Area** : About 16,604m<sup>2</sup> (including GL of about 6,886m<sup>2</sup>, or about 41% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)  
- Part of Lot 347 RP in D.D 87 is covered by Modification of Tenancy (MoT) No. 38957 for erection of temporary structures for dwelling, bathroom, kitchen and shade
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) and Open Storage of Construction Material and Machineries 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 proposed temporary warehouse (excluding dangerous goods godown) and open storage of construction material and machineries 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 largely fenced-off, partly hard-paved, partly vegetated and currently occupied by a pigsty which has ceased operation<sup>1</sup> (**Plans A-4a to A-4d**).

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<sup>1</sup> According to the applicant, a majority of the Site has been operated as a pigsty under a valid Livestock Keeping Licence (No. LK148) issued under the Public Health (Animals and Birds) (Licensing of Livestock Keeping) Regulation (Cap. 139L). While the pigsty has gradually ceased operation since 2024, the applicant has entered into a Memorandum of Understanding with the pigsty operator to utilise the Site for the proposed uses upon approval of the planning application.

- 1.2 According to the applicant, the application is submitted to facilitate the relocation of three brownfield operations in Fanling North being affected by government project, i.e. the Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA) Remaining Phase development<sup>2</sup>. The affected operations cover a total site area of about 7,035m<sup>2</sup> as claimed by the applicant and are currently used for warehouse (excluding dangerous goods godown) and open storage, which align with the proposed uses. The affected land in Fanling North has been resumed by the Government.
- 1.3 The Site is accessible from its west via a local track leading to Kong Nga Po Road (**Plans A-1** and **A-2**). According to the applicant, the proposed uses consist of six one-to-two-storey temporary structures with building heights of 7m to 15m and a total floor area of about 4,927m<sup>2</sup> for warehouse, ancillary site office and general storage uses. The remaining uncovered area is proposed for open storage for construction material and machineries and circulation area as well as a total of 34 vehicle spaces (i.e. 10 private car parking spaces (5m (L) x 2.5m (W) each); 12 light goods vehicle loading/unloading (L/UL) bays (7m (L) x 3.5m (W) each); and 12 heavy goods vehicle L/UL bays (11m (L) x 3.5m (W) each)). An ingress/egress with 11m wide is proposed at the northwestern boundary of the Site. The proposed operation hours are between 9:00 a.m. and 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**.
- 1.4 As the ground levels of the Site, ranging from about +22.1mPD, +22.4mPD to +26.5mPD in the middle, eastern and western portions respectively, are lower than that of the adjoining local road (about +27.5mPD) (**Plan A-2**), the applicant also applies for filling of the entire site with concrete with depths ranging from 0.3m to 3m for site formation purpose<sup>3</sup>. The land filling plan submitted by the applicant is shown in **Drawing A-2**.
- 1.5 Technical assessments, including Traffic Impact Assessment and Drainage Impact Assessment (DIA), have been submitted by the applicant to support the application (**Appendix Ia**). According to the traffic management measures proposed by the applicant, prior notification will be required for vehicles visiting the Site; sufficient manoeuvring space will be provided within the Site and no vehicle will queue back onto the local road; warning sign, flashing lights and light poles will be installed and staff will be deployed to manage traffic, thereby ensuring pedestrian safety and preventing illegal parking.
- 1.6 According to the DIA, the proposed drainage system comprises peripheral U-channels, covered channels and catchpits along the site boundaries as well as two underground stormwater storage tanks in the eastern and western portions of the Site respectively to cater for additional runoff during heavy rainstorm (**Drawing A-3**). The existing concrete pipe between the western and eastern portions of the Site will be replaced by a new concrete box culvert and connected to the existing watercourse. Suitable mitigation measures, such as a minimum setback of 3m to be reserved between the Site and the top of the banks of the existing watercourse, are proposed to avoid adverse impact on the watercourses during the construction and operation phases. In terms of sewage treatment, the applicant proposes that a licensed waste contractor will regularly collect the sewage generated by portable toilets and dispose of the sewage to approved facilities. A 3m high

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<sup>2</sup> The applicant has signed Memoranda of Understanding with three affected brownfield operators, namely 金先鋒貿易有限公司、仁記 and 深圳市榮利達貨運代理有限公司, to submit the current application. The applicant undertakes that the Site will be utilised by the affected brownfield operations upon approval of the planning application.

<sup>3</sup> According to the applicant, the proposed ground levels after filling of land will range from about +24.0mPD to +27.0mPD in the eastern and western portions respectively.

fencing will be erected along the site boundary to minimise visual impact.

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

- (a) Application Form received on 14.7.2025 (Appendix I)
- (b) Consolidated Supplementary Planning Statement (SPS) received on 13.2.2026 (Appendix Ia)

(SPS received on 14.7.2025, Supplementary Information (SI) received on 18.7.2025 and Further Information (FI) received on 19.9.2025\*, 14.10.2025^, 17.12.2025\*, 15.1.2026^, 19.1.2026\*, 2.2.2026\* and 5.2.2026\* were superseded and are attached at **Appendices Ib to Id** respectively.)

*\* accepted and exempted from publication and recounting requirements*

*^ accepted but not exempted from publication and recounting requirements*

1.8 On 5.9.2025 and 5.12.2025, 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 each.

## **2. Justifications from the Applicant**

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

- (a) the proposed uses would facilitate the relocation of brownfield operations affected by the NDA by offering timely relocation solutions, ensuring a smooth transition of brownfield operations at a strategic location;
- (b) the applicant and the affected brownfield operators have spent effort in identifying alternative sites in the New Territories (e.g. Ta Kwu Ling, Lau Fau Shan and Mai Po) but those sites were considered not suitable or impracticable due to reasons such as land use incompatibility, environmental concerns and limited accessibility, etc. The Site is identified as it is relatively vacant, close to the original sites and easily accessible;
- (c) the proposed uses would capitalise on development opportunities by phasing out pigsty operations, optimising land use resources in the area, and contributing to the overall upgrade of the locality;
- (d) 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) and the application generally complies with the TPB PG-No. 13G;
- (e) the proposed uses are compatible with the surrounding land uses, which are predominantly occupied by open storage yards, warehouses, temporary structures, tree clusters, active/fallow agricultural land and vegetated areas. There are similar approved applications in the vicinity of the Site. Approval of the application will not set an undesirable precedent;
- (f) the proposed uses are temporary in nature and approval of the application would not frustrate the long-term planning intention of the "AGR" zone;

- (g) no adverse traffic, visual, landscape, environmental and drainage impacts are anticipated. Should the application be approved, the applicant is committed to comply with all environmental protection requirements, and follow relevant mitigation measures and requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) to alleviate possible adverse impacts and nuisance to the surrounding areas; and
- (h) the applicant will remove all existing structures and submit applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD) upon approval of the planning application.

### **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 consent of the other current land owner. For the GL portion, the “Owner’s Consent/Notification” Requirements are not applicable.

### **4. Town Planning Board Guidelines**

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to this application. The Site falls within Category 2 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

The Site is not subject to any active planning enforcement action.

### **6. Previous Application**

There is no previous application at the Site.

### **7. Similar Applications**

7.1 There are 10 similar applications (No. A/NE-FTA/242, 244, 245, 246, 251, 253, 257, 260, 269 and 270) for temporary warehouse and/or open storage use within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**), which were all approved with conditions by the Committee between 2024 and 2026 mainly on the considerations that the relevant sites were reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G; the application generally complied with TPB PG-No. 13G in that no major adverse departmental comments were received; the proposed use was not entirely incompatible with the surrounding areas; and the concerns of the relevant government departments could be addressed through implementation of approval conditions.

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

## **8. The Site and Its Surrounding Areas (Plans A-1 to A-4d)**

8.1 The Site is:

- (a) largely fenced-off, partly hard-paved, partly vegetated and currently occupied by a pigsty which has ceased operation;
- (b) traversed by a watercourse running in a southwest to northeast direction underneath a platform structure; and
- (c) accessible via a local track leading to Kong Nga Po Road.

8.2 The surrounding areas are rural in character comprising open storage yards and warehouses covered by valid planning permissions as mentioned in paragraph 7.1 above, temporary structures, vacant land and tree clusters. To the northwest of the Site is an area zoned “Green Belt” generally comprising wooded slopes. To the further west of the Site is a site zoned “Government, Institution or Community (1)” for co-locating various police facilities in the North District and a proposed police training facility, for which construction is currently in progress.

## **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 Bureau/Departments**

10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 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 bureau supports the application:

### **Policy Aspect**

10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of three existing brownfield operations of warehouses and open storages of construction material and machineries (located at Lots 354, 358, 361, 369, 370 and 371 in D.D. 52; Lots 375 and 484 S.A in D.D. 52; and Lots 410 RP, 407, 436 RP and 437 in D.D. 52 respectively), which are affected by the KTN/FLN NDA Remaining Phase Development;

- (b) the Site will accommodate all three affected brownfield operations. According to the applicant, a site search was conducted with a view to identifying a suitable site for re-establishment of the affected business operations. The Site is considered the most suitable for the relocation. While the site area is larger than the combined site area of the original premises, the applicant has explained that a larger site is considered necessary to meet modern standards and their operational needs; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned government departments, the application is supported from the policy perspective.

10.3 The following government departments object to or do not support the application:

**Land Administration**

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

- (a) he has objection to the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease, which contains the restriction that no structures are allowed to be erected without 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) Lot 347 RP in D.D. 87 is partly covered by MoT No. 38957 for erection of temporary structures for dwelling, bathroom, kitchen and shade. His office reserves the rights to take enforcement action for any irregularities and cancel the MoT as appropriate;
- (d) the following irregularities covered by the subject planning application have been detected by his office:

- (i) Unauthorised structures within the said private lots covered by the planning application

there are unauthorised structures on the private lots. 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; and

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

LandsD objects to the planning application since there is illegal occupation of GL which regularization would not be considered according to the prevailing land policy. The lot owners should immediately cease the illegal occupation of GL and remove the unauthorised structures as demanded by LandsD. Notwithstanding the applicant's submission and the Board's approval (if any) of the subject planning application, his office reserves the rights to take

necessary land control action against the illegal occupation of GL without further notice;

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

- (i) Unauthorised structures extended from Lot 361 RP in D.D. 87 to adjoining private lot not covered by the planning application

there are unauthorised structures extended from Lot 361 RP in D.D. 87 to adjoining private lot 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; and

- (ii) Unlawful occupation of GL not covered by the planning application

the GL adjoining Lot 361 RP in D.D. 87 has been illegally occupied with unauthorised structures without 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;

- (f) the lot owners shall either remove the unauthorised structures not covered by the subject application and cease the illegal occupation of the GL immediately; or include the unauthorised structures 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 and STT to permit the structures erected/to be erected and the 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. In particular, notwithstanding the approval of the Board, the GL might be capable of separate alienation, hence, the size of GL (if approved under STT) is subject to further consideration by the Government and would not necessarily follow the size of the GL in the subject planning application. Besides, the STW would be on whole lot basis and the STW and STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date when the unauthorised 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 breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL. Besides, given the proposed uses are temporary in nature, only erection of temporary structure(s) will be considered;

- (g) unless and until the unauthorised structure and the 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 and Nature Conservation**

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

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses and plant nurseries, etc.

## **11. Public Comments Received During Statutory Publication Periods**

On 22.7.2025, 31.10.2025 and 23.1.2026, the application was published for public inspection. During the statutory public inspection periods, three public comments were received (**Appendix VI**). A comment from an individual objects to the application mainly on the grounds that there is no information on the affected brownfield operations to be relocated to the Site; the proposed uses will degrade the environment; and the proposed filling of land will result in adverse drainage impacts. The remaining two comments, both from a member of North District Council, indicate no comment on the application.

## **12. Planning Considerations and Assessments**

12.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) and open storage of construction material and machineries with ancillary facilities and associated filling of land for a period of three years at the Site which is zoned “AGR” on the OZP (**Plan A-1**). Although the proposed uses are not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, the application is submitted to facilitate the relocation of brownfield operations affected by the KTN/FLN NDA Remaining Phase Development and has received policy support from SDEV. Taking into account the planning assessments below, there is no objection to the proposed uses with associated filling of land on a temporary basis of three years.

12.2 The application involves land filling of the entire site with concrete with depths ranging from 0.3m to 3m for site formation purpose (**Drawing A-2**). Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning

intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.3 The Site is largely fenced-off, partly hard-paved, partly vegetated and currently occupied by a pigsty which has ceased operation, and 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-4d**). The Site is generally bounded by proposed/existing open storage yards/warehouses with valid planning permissions to the immediate north and east (**Plan A-2**). The proposed uses are considered not entirely incompatible with the surrounding land uses. Noting that significant adverse impacts on the landscape character and existing landscape resources within the Site are not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 12.4 Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. Should the application be approved, the applicant will be advised to follow the latest COP to minimise the possible environmental nuisance on the surrounding areas. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD’s concern 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. Furthermore, SDEV rendered policy support to the application for relocation of brownfield operations affected by government project.
- 12.6 There are 10 similar applications for temporary warehouse and/or open storage use within the same “AGR” zone, all falling within Category 2 areas under TPB PG-No. 13G, which were approved by the Committee between 2024 and 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 mentioned in paragraph 11 above, the government bureau/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 27.2.2029. 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 27.8.2026;
- (b) in relation to (a) above, the implementation of the flood mitigation measures as proposed in the revised drainage impact assessment and any other stormwater drainage facilities 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 27.11.2026;
- (c) in relation to (b) above, the implemented flood mitigation measures and stormwater 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 27.8.2026;
- (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 27.11.2026;
- (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 proposed uses with associated filling of land are not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

**14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

**15. Attachments**

<b>Appendix I</b>	Application Form received on 14.7.2025
<b>Appendix Ia</b>	Consolidated SPS received on 13.2.2026
<b>Appendix Ib</b>	SPS received on 14.7.2025
<b>Appendix Ic</b>	SI received on 18.7.2025
<b>Appendix Id</b>	FI received on 19.9.2025, 14.10.2025, 17.12.2025, 15.1.2026, 19.1.2026, 2.2.2026 and 5.2.2026
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Filling of Land Plan
<b>Drawing A-3</b>	Drainage Layout Plan
<b>Drawing A-4</b>	Existing Condition of the Site
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a to A-4d</b>	Site Photos