

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

**APPLICATION NO. A/NE-MKT/54**

- Applicant** : 鼎基顧問管理有限公司
- Site** : Lots 1 RP and 2 RP in D.D. 82 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling, New Territories
- Site Area** : About 5,240m<sup>2</sup> (including GL of about 1,222m<sup>2</sup> or about 23.3% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plans** : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7  
(currently in force)  
  
Draft Man Kam To OZP No. S/NE-MKT/6 (at the time of submission)
- Zoning** : “Recreation” (“REC”)  
  
[No change to the “REC” zone under the current OZP]
- Application** : Proposed Temporary Open Storage of Construction Materials and Construction Machinery with Ancillary Facilities for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and construction machinery with ancillary facilities for a period of three years at the application site (the Site), falling within an area zoned “REC” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is currently partly filled, largely vacant with scattered temporary structures, and other miscellaneous items, and partly covered with wild grasses and vegetation (**Plans A-4a** and **A-4b**).
- 1.2 The application is submitted to facilitate the relocation of a business operation<sup>1</sup> at the original site affected by the development of the Northern Link (NOL) Main Line which will be resumed by the Government. The affected operation is for storage of construction materials and construction machinery located in San Tin, involving a site area of about 2,508m<sup>2</sup> as claimed by the applicant.

---

<sup>1</sup> According to the applicant, should the application be approved, the Site will be leased to the affected brownfield operator (香港環保回收再生資源有限公司) to enable continuation of its business operations.

- 1.3 The Site is abutting Lin Ma Hang Road to the south (**Plan A-2**). According to the submission, the proposed use consists of five one-storey temporary structures with a total floor area of about 760m<sup>2</sup> and a building height not exceeding 4m for shelters, meter room and toilet, and an uncovered area (about 4,550m<sup>2</sup> or 85.7% of the Site) mainly for open storage of construction materials (such as bricks, gravel, glass and tiles) and construction machinery (such as road roller and vibratory rammer) and circulation areas. Two light goods vehicle parking spaces (7m (L) x 3.5m (W) each) and two heavy goods vehicle (HGV) loading/unloading (L/UL) spaces (11m (L) x 3.5m (W) each) are proposed within the Site. The operation hours of the proposed use 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 According to the applicant, a 9m-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 HGVs has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ia, Ic, Id and If**), advance booking of parking and L/UL spaces will be required to prevent illegal parking; traffic bollards and flashing light will be provided at the ingress/egress of the Site to ensure vehicle and pedestrian safety; and an electric gate will be provided at the entrance of the Site to prevent queuing back of vehicles onto public roads. Two staff members will be deployed to direct vehicles entering the Site to ensure vehicle and pedestrian safety.
- 1.5 A landscape and tree preservation proposal (**Drawing A-2**) is submitted in support of the application. A total of 47 trees are identified within the Site. Amongst them, 29 trees are proposed to be retained and 18 trees are proposed to be felled. To compensate for the loss of trees, 18 new *Ficus macrocarpa* (細葉榕) will be replanted for compensatory planting. The applicant will follow the 'Handbook on Tree Management' issued by the Greening, Landscape and Tree Management Section of Development Bureau for proper tree care and comply with the relevant mitigation measures and requirements.
- 1.6 In support of the application, the applicant has submitted the following documents:
- |     |                                                       |                        |
|-----|-------------------------------------------------------|------------------------|
| (a) | Application Form received on 21.10.2025               | ( <b>Appendix I</b> )  |
| (b) | Supplementary Planning Statement (SPS)                | ( <b>Appendix Ia</b> ) |
| (c) | Supplementary Information (SI) received on 30.10.2025 | ( <b>Appendix Ib</b> ) |
| (d) | Further Information (FI) received on 2.12.2025*       | ( <b>Appendix Ic</b> ) |
| (e) | FI received on 5.1.2026 <sup>#</sup>                  | ( <b>Appendix Id</b> ) |
| (f) | FI received on 9.1.2026*                              | ( <b>Appendix Ie</b> ) |
| (g) | FI received on 5.2.2026*                              | ( <b>Appendix If</b> ) |
- \* *accepted and exempted from publication and recounting requirements*  
# *accepted but not exempted from publication and recounting requirements*
- 1.7 On 19.12.2025, the Rural and New Town Planning Committee (the Committee) decided to defer making a decision on the application for two months as requested by the applicant.

## **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 If**, as summarised below:

- (a) the proposed use is to facilitate the relocation of brownfield operation affected by the NOL Main Line. The applicant wishes to relocate the business to the Site to continue the its operations;
- (b) the Site has been used for open storage purpose. The applicant has consulted the locals on the proposed use, and no adverse comments were received;
- (c) the applicant has conducted a site search process to identify a suitable site for the relocation of the affected operation, and the Site is considered the most suitable relocation option. The site area (about 5,310m<sup>2</sup>) of the proposed use represents an increase in operational space compared to the original site, as the Site is the only available option for relocating the business operation and allows for inclusion of the space for vehicle manoeuvring within the Site to support operational needs;
- (d) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (e) no significant adverse impacts in terms of traffic, environmental, ecological etc. are anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental aspects of Temporary Uses and Open Storage Sites’ (the COP) issued by the Environmental Protection Department and comply with the relevant mitigation measures and requirements; 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 posting notice near the Site and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

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

The Town Planning Board Guidelines on 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 the application. The Site falls within Category 3 areas under the Guidelines, relevant extract of which is at **Appendix II**.

## **5. Background**

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

## **6. Previous Application**

The Site is not the subject of any previous application.

## **7. Similar Application**

7.1 There is a similar application (No. A/NE-MKT/27) for proposed temporary open storage of construction machinery and warehouse for storage of machinery parts with ancillary office for a period of three years, which was rejected by the Board on view on 1.12.2023 mainly on the reasons of having no strong planning justification for a departure from the planning intention of the “REC” zone; being failed to demonstrate that the proposed use would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas; and not complying with the TPB PG-No. 13G in that adverse comments from relevant government departments and local objections had been received.

7.2 Details of the similar application is summarised at **Appendix III** and its location is shown on **Plan A-1**.

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

8.1 The Site is:

- (a) currently partly filled, largely vacant with scattered temporary structures, and other miscellaneous items, and partly covered with wild grasses and vegetation; and
- (b) abutting Lin Ma Hang Road to the south.

8.2 The surrounding areas are of rural character mainly comprising active/fallow agricultural land, vegetated areas, tree clusters, grave and storage yards. To the immediate west is Ping Yuen River and to the further west across Ping Yuen River are the River Ganges Pumping Station and River Ganges Pumping Station Substation, which are zoned “Government, Institution or Community”. To the immediate north is the boundary patrol road and Shenzhen River.

## **9. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

## **10. Comments from Relevant Government Bureau/Departments**

10.1 Apart from the government bureau/department as set out in paragraphs 10.2 and 10.3 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.

10.2 The following government bureau supports the application.

**Policy Aspect**

Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of a brownfield operation of storage of construction materials and construction machinery, which will be affected by the development of the NOL Main Line;
- (b) according to the applicant, a site search has been conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the Site under the current application is the most suitable relocation site; and
- (c) subject to concerned departments' comments on land use compatibility and technical aspects, the application is supported from the policy perspective.

10.3 The following government department has adverse comments on the application:

**Land Administration**

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

- (a) he has adverse comments on 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 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 illegal occupation of the portion of GL with unauthorised structure is duly rectified or the application is duly amended, his office has adverse comments on the application which must be brought to the attention of the Board when it considers the application;
- (d) erection of unauthorised structure and illegal occupation of GL should not be encouraged. The lot owner should remove the unauthorised structure and rectify the occupation of GL immediately; and
- (e) his other advisory comments are at **Appendix V**.

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

On 4.11.2025 and 16.1.2026, the application was published for public inspection. During the statutory public inspection periods, a total of two public comments were received (**Appendix VI**). One individual objects to the application for the reasons that the proposed use is not compatible with the surrounding environment; and approval of the application would set an

undesirable precedent. The remaining public 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 proposed temporary open storage of construction materials and construction machinery with ancillary facilities for a period of three years at the Site which is zoned “REC” on the OZP (**Plan A-1**). Although the proposed use is not in line with the planning intention of the “REC” zone which is primarily for recreational developments for the use of the general public, and to encourage the development of active and/or passive recreation and tourism/eco-tourism, there is no known development proposal at the Site. According to the applicant, the application is submitted to facilitate the relocation of brownfield operation affected by the NOL Main Line, and the applicant has identified the Site as the most suitable relocation site to meet their operational needs. SDEV supports the application from the policy perspective. Taking into account the planning assessments below and the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 12.2 The Site, abutting Lin Ma Hang Road to the south and located in an area of rural character mainly comprising active/fallow agricultural land, vegetated areas and tree clusters and storage yards, is currently partly filled, largely vacant with scattered temporary structures, and other miscellaneous items, and partly covered with wild grasses and vegetation (**Plans A-2 to A-4b**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that no distinctive landscape resources are observed within the Site, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that significant adverse landscape impact arising from the application is not anticipated.
- 12.3 The Site falls within Category 3 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of brownfield operation affected by government project, and relevant departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, 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 13.2 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 COP 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.
- 12.4 There is a similar application (No. A/NE-MKT/27) located to the southeast of the Site (**Plan A-1**), which was rejected by the Board on review in December 2023 as detailed in paragraph 7.1 above. For the current application, policy support was given by the relevant bureau, relevant government departments have no objection to or no adverse comment on the application and their concerns could be addressed through imposition of approval conditions. As such, the planning considerations of the rejected similar application are not applicable to the current application.

- 12.5 Regarding the public comments mentioned in paragraph 11, the government departments' comments and 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 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 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 27.8.2026;
- (b) in relation to (a) above, the implementation of the 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 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 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) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 27.8.2026;
- (g) in relation to (f) above, 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 27.11.2026;
- (h) 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 27.11.2026;
- (i) in relation to (h) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (j) if any of the above planning condition (c) or (i) 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; and

- (k) if any of the above planning condition (a), (b), (d), (e), (f), (g) or (h) 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.

#### 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 Member's reference:

the proposed use is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. 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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

#### **15. Attachments**

<b>Appendix I</b>	Application Form received on 21.10.2025
<b>Appendix Ia</b>	SPS
<b>Appendix Ib</b>	SI received on 30.10.2025
<b>Appendix Ic</b>	FI received on 2.12.2025
<b>Appendix Id</b>	FI received on 5.1.2026
<b>Appendix Ie</b>	FI received on 9.1.2026
<b>Appendix If</b>	FI received on 5.2.2026
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Similar Application
<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>	Landscape Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a and A-3b</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
FEBRUARY 2026**