

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

**APPLICATION NO. A/NE-LYT/868**

- Applicants** : Wing Fook Land Investment Company Limited and Ms. SIU Kai Wai Boni represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 1445 S.B ss.2, 1445 S.B RP, 1489, 1490, 1492 and 1494 in D.D. 76 and Adjoining Government Land (GL), Ng Uk Tsuen, Sha Tau Kok Road – Ma Mei Ha, Fanling, New Territories
- Site Area** : About 4,033m<sup>2</sup> (including GL of about 232m<sup>2</sup> or about 6%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for proposed temporary warehouse for storage of construction materials and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years, and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is fenced-off, generally hard-paved, and currently occupied by some temporary structures and construction materials without valid planning permission (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from Sha Tau Kok Road – Ma Mei Ha to the immediate northwest (**Plan A-2**). According to the applicants, the proposal involves the erection of one two-storey temporary structure with a building height (BH) of about 12m and a gross floor area of about 6,000m<sup>2</sup> for warehouse storage of construction materials and other ancillary facilities including washroom and meter room (**Drawing A-1**). The operation hours of the proposed use are from 8:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operations on Sundays and public holidays. No dangerous goods will be stored on-site. No dismantling,

maintenance, repairing, cleansing, paint spraying or other workshop activities will be conducted on-site.

- 1.3 The existing vehicular run-in/out at the northwest of the Site, constructed in accordance with the relevant standards of the Highways Department, will be maintained by the applicants at their own expense (**Plan A-4**). Three parking spaces for private cars (5m (L) × 2.5m (W)) and two loading/unloading (L/UL) spaces for container vehicles/medium goods vehicles (MGVs) (16m (L) × 3.5m (W)) will be provided on-site (**Drawing A-1**). Various traffic management measures, including (i) prior appointment system for vehicles entering the Site; (ii) deployment of on-site staff to manage traffic entering/exiting the Site; (iii) provision of separated vehicular and pedestrian accesses for the Site; (iv) provision of traffic signs and road signs to prohibit right-turn movements from the Site; and (v) installation of a warning light at a prominent location of the Site, will be provided to ensure that no queue back from the Site onto the public roads and enhance driving and pedestrian safety in the area (**Drawing A-2**). A 24-hour footpath with lighting will be reserved along the southern boundary of the Site for local villagers' access from Sha Tau Kok Road – Ma Mei Ha to the nearby village settlements to its further southeast (**Drawing A-2** and **Plan A-2**).
- 1.4 The applicants also apply for regularisation of filling of land at the majority part of the Site (about 3,900m<sup>2</sup> or about 97%) with concrete of not more than 0.2m in depth (to level of about +16.3mPD) (**Drawing A-4**). The applicants would preserve the 59 existing trees within the Site, with a minimum of 2m setback from the tree trucks to avoid damage to those existing trees (**Drawing A-3**). Environmental mitigation measures, including (i) prohibition of open storage and workshop activities on-site; (ii) installation of 2.5m high corrugated metal fencing along the site boundaries; (iii) confinement of all storage activities within the enclosed warehouse; (iv) keep the windows of the warehouse closed at all times; and (v) provision of septic tank for the sewage generated from the Site and meeting the requirements of the ProPECC PN 1/23 with certification by an Authorised Person, will be provided to minimise potential environmental nuisance to the nearby sensitive receivers. The layout plan, vehicular and pedestrian access plan, landscape and tree preservation proposal, and land filling plan are shown in **Drawings A-1** to **A-4** respectively.
- 1.5 The Site is the subject of four previous applications for temporary public vehicle park (PVP) or temporary warehouse with PVP/open storage use(s) (details at paragraph 5 below). The last application (No. A/NE-LYT/816) for temporary warehouse and open storage of construction materials, submitted by the same applicants as the current application, was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 24.5.2024. A comparison of the major development parameters of the current application and the last previous application (No. A/NE-LYT/816) is summarised as follows:

	<b>Approved Scheme under Application No. A/NE-LYT/816 (a)</b>	<b>Proposed Scheme under Current Application (b)</b>	<b>Differences (b) – (a)</b>
Proposed Use(s)	Warehouse and Open Storage of Construction Materials	Warehouse of Construction Materials	Deletion of 'open storage' use

	<b>Approved Scheme under Application No. A/NE-LYT/816 (a)</b>	<b>Proposed Scheme under Current Application (b)</b>	<b>Differences (b) – (a)</b>
Site Area	About 4,033m <sup>2</sup>	About 4,033m <sup>2</sup>	No change
No. of Structures	2	1	-1
GFA	About 2,927m <sup>2</sup>	About 6,000m <sup>2</sup>	+3,073m <sup>2</sup>
BH	12m, two storeys	12m, two storeys	No change
Parking Space for Private Cars	3	3	No change
L/UL for Container Vehicles/MGVs	2	2	No change

1.6 In support of the application, the applicants have submitted the following documents:

- |  |                      |
|--|----------------------|
| (a) Application Form received on 28.11.2025                    | <b>(Appendix I)</b>  |
| (b) Planning Statement received on 28.11.2025                  | <b>(Appendix Ia)</b> |
| (c) Supplementary Information (SI) received on 5.12.2025       | <b>(Appendix Ib)</b> |
| (d) SI received on 8.12.2025                                   | <b>(Appendix Ic)</b> |
| (e) Further Information (FI) received on 6.2.2026 <sup>^</sup> | <b>(Appendix Id)</b> |
| (f) FI received on 11.3.2026 <sup>^</sup>                      | <b>(Appendix Ie)</b> |
| (g) FI received on 16.3.2026 <sup>^</sup>                      | <b>(Appendix If)</b> |
| (h) FI received on 19.3.2026 <sup>^</sup>                      | <b>(Appendix Ig)</b> |
- <sup>^</sup>accepted and exempted from the publication and recounting requirements*

1.7 On 23.1.2026, the Committee agreed to defer making a decision on the application for two months as requested by the applicant.

## **2. Justifications from the Applicants**

The justifications put forth by the applicants in support of the application are detailed in the Application Form, Planning Statement, SIs and FIs at **Appendices I to Ig**, as summarised below:

- (a) the proposed use could cater for the demand of warehouse facilities for construction materials in the North East New Territories;
- (b) the Site zoned “AGR”, which is hard-paved and currently vacant, is no longer suitable for agricultural use, and the temporary use of the Site could optimise the precious land resource;
- (c) the proposed use is not incompatible with the rural character of the area. In order to further minimise the potential environmental nuisance to the sensitive receivers nearby, all the warehouse activities will be confined within the enclosed structure on-site under the current application. In general, it would not induce significant adverse traffic, environmental, drainage and landscape impacts and fire safety issue on the surrounding areas;
- (d) the Site is the subject of two previously approved applications (No. A/NE-LYT/741 and 816) for warehouse use. Besides, there is a similar application (No. A/NE-

LYT/852) for warehouse use in the same “AGR” zone of the Site. Approval of the current application is generally in line with the Board’s previous decisions; and

- (e) while the applicants have made their best efforts to comply with all the approval conditions under the last approved application (No. A/NE-LYT/816), compliance with the approval conditions related to the implementation of fire service installations (FSIs) and environmental mitigation measures at the Site is subject to the approval of the Short Term Waiver (STW) and Short Term Tenancy applications by the Lands Department (LandsD), which are still under processing by LandsD. Should the planning and STW/STT applications be approved, the applicants will comply with all the approval conditions accordingly.

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

The applicants are the sole “current land owners” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, Town Planning Board Guidelines on Owner’s Consent/Notification Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) are not applicable.

### **4. Background**

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

### **5. Previous Applications**

- 5.1 The Site is the subject of four previous applications (No. A/NE-LYT/586, 691, 741 and 816) for temporary PVP or warehouse with PVP/open storage, which were submitted by the same applicants or one of the same applicants as those for the current application.<sup>1</sup>
- 5.2 The last two applications (No. A/NE-LYT/741 and 816) for temporary warehouse with PVP or open storage were approved with conditions by the Committee in 2021 and 2024 respectively, mainly on the considerations that the proposed use was not entirely incompatible with the surrounding areas; no significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas were anticipated; and/or it generally complied with the Town Planning Board Guidelines on ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No. 13G) in that there were no major adverse departmental comments or concerns of the relevant government departments could be addressed through implementation of approval conditions.
- 5.3 The planning permission under the last application (No. A/NE-LYT/816) was revoked on 24.2.2026 due to the non-compliance with the approval conditions in relation to the implementation of FSIs proposal and environmental mitigation measures. Compared with the last approved application, the current application

---

<sup>1</sup> Applications No. A/NE-LYT/586, 691, 741 were all submitted by Wing Fook Land Investment Company Limited, while application No. A/NE-LYT/816 was submitted by Wing Fook Land Investment Company Limited and Ms. SIU Kai Wai Boni (i.e. the current applicants).

mainly involves an increase in total floor area and a revised layout, with the deletion of open storage use, as detailed in paragraph 1.5 above.

- 5.4 The remaining two applications (No. A/NE-LYT/586 and 691) for temporary PVP were approved with conditions by the Committee in 2016 and 2019 respectively. Their planning considerations are not applicable to the current application as it involves a different use.
- 5.5 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

## **6. Similar Application**

- 6.1 There is one similar application (No. A/NE-LYT/852) for temporary warehouse within the same “AGR” zone in the past five years. The application was approved with conditions by the Committee in 2025 on similar considerations as detail in paragraph 5.2 above; and policy support was given to the relocation of brownfield operation affected by the government project at the concerned site.
- 6.2 Details of the similar application are summarised at **Appendix III** and its location is shown on **Plan A-1**

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

- 7.1 The Site is:
- (a) fenced-off, generally hard-paved, and currently occupied by some temporary structures and construction materials without valid planning permission; and
  - (b) accessible from Sha Tau Kok Road – Ma Mei Ha to the immediate northwest.
- 7.2 The surrounding areas are of rural character mainly comprising village houses/domestic structures, warehouse/workshop, vacant land, active/fallow farmland and tree groups or vegetated areas. To the northeast and southwest are a temporary PVP and an adventure training center with valid planning permissions under applications No. A/NE-LYT/827 and 848 respectively. To the further east across Tan Shan River is a cluster of domestic structures of Ho Pa Tsuen and Ng Uk Tsuen. To the north across Sha Tau Kak Road – Ma Mei Ha is the village proper of Hung Leng zoned “Village Type Development” on the approved Ping Che & Ta Kwu Ling OZP No. S/NE-TKL/14.

## **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, planning permission from the Board is required for filling of land within the “AGR” zone, as the activity may cause adverse drainage and environmental impacts on the adjacent areas.

## **9. Comments from Relevant Government Departments**

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

- 9.2 The following government departments do not support the application:

### **Agriculture and Nature Conservation**

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

#### Agriculture

- (a) he does not support the application from agricultural perspective as the Site zoned “AGR” possesses potential for agricultural rehabilitation. There are active agricultural activities in the vicinity of the Site, 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.;

#### Nature Conservation

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

### **Environment**

- 9.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application from environmental planning perspective since heavy vehicle is involved and domestic uses are identified within 100m from the site boundary with the nearest one at about 7m to the south of the Site (**Plan A-2**);
- (b) he has no comment on the applied filling of land from environmental planning perspective since no further filling of land is proposed under the application;
- (c) one substantial environmental complaint case regarding open burning at the Site was received in the past three years. During the site inspection, while traces of previous open burning were

observed, no ongoing open burning was noted at the Site. As no violation of the environmental ordinance was observed, no enforcement action was taken;

- (d) should the application be approved, the applicants are required to implement the proposed mitigation measures to minimise potential environmental nuisance to nearby sensitive receivers; and
- (e) his advisory comments are at **Appendix V**.

9.3 The following government department has conveyed local views on the application:

**Local Views**

9.3.1 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) he has no comment on the application; and
- (b) the local views from a representative of Ho Pa Tsuen has been received (**Appendix IVa**), objecting the current application due to the following reasons:
  - (i) the proposed pedestrian footpath along the southern boundary of the Site is substandard, and the villagers' right of way is not guaranteed;
  - (ii) the proposed warehouse for storage of construction materials at the Site would pose fire safety risk to the residents/villagers nearby. Besides, the occupation of the Site would also block the existing 'emergency vehicular access' (EVA) of Ho Pa Tsuen;
  - (iii) the proposed use would induce adverse traffic impacts on the surroundings, resulting in traffic congestion and pedestrian safety issue. The effectiveness of the traffic management measures proposed by the applicants is questionable;
  - (iv) the warehouse activities on-site and traffic activities arising would induce adverse environmental impacts on the surroundings, such as noise and dust pollutions; and
  - (v) the proposed use with the associated filling of land, which is not line with the long-term planning intention of the "AGR" zone, would alter the drainage and landscape characters of the area, resulting in a degradation of the overall quality of living in the area.

## **10. Public Comments Received During Statutory Publication Period**

- 10.1 On 9.12.2025, the application was published for public inspection. During the statutory public inspection period, a total of 11 public comments were received (**Appendix VI**).
- 10.2 Eight comments from the Chairman and the First Vice Chairman of Fanling District Rural Committee, the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Hung Leng<sup>2</sup>, and five individuals object to the application on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; no technical assessment has been conducted and no mitigation measure has been proposed under the current application; the proposed use would generate adverse environmental impacts such as air pollution and noise nuisances on the surrounding areas; the vehicular access arrangement is undesirable due to the potential interference with a nearby bus stop; the estimated trip attraction/estimation provided by the applicants is unjustified; and the proposed use would induce adverse traffic impacts including pedestrian safety issue; the proposed use at the Site would block the EVA of Ho Pa Tsuen, posing fire risks on the residential dwellings in the vicinity; the proposed temporary warehouse structure would induce adverse landscape impacts on the surrounding rural environment and views; and the GL portion should not be allocated to the applicants as it serves as a public access for local residents.
- 10.3 One comment from an individual expresses concerns on the application that the proposed use may contaminate the Tan Shan River to the east of the Site; the approval condition on the implementation of FSIs proposal under the previous application is yet to be complied; there is potential conflict between the applied filling of land and the tree preservation proposal. The remaining two comments from a member of North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

## **11. Planning Considerations and Assessments**

- 11.1 The application is for proposed temporary warehouse for storage of construction materials and associated filling of land for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” zone, and DAFC does not support the application from agricultural perspective. Nevertheless, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.
- 11.2 The proposal involves regularisation of filling of land for the majority part of the Site (about 3,900m<sup>2</sup> or about 97%) with concrete of not more than 0.2m in depth as detailed in paragraph 1.4 above (**Drawing A-4**). 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 DEP have no adverse comment or no comment on the applied filling of land from public drainage and environmental planning perspectives respectively. As the Site is

---

<sup>2</sup> The IIR and RR of Hung Leng jointly submitted one public comment regarding the current application.

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.

- 11.3 The Site, which is generally hard-paved, and currently occupied by some temporary structures and construction materials, is situated within an area of rural character mainly comprising village houses/domestic structures, warehouse/workshop, vacant land, active/fallow farmland and tree groups or vegetated areas (**Plans A-2 to A-4b**). The proposed use is considered not entirely incompatible with the surrounding environments. The Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 While DEP does not support the application from environmental perspective as the proposed use involves use of heavy vehicle and environmental nuisance on the sensitive users in the vicinity of the Site is expected, the Site is directly accessible via Sha Tau Kok Road – Ma Mei Ha without passing through the village houses/domestic structures (**Plan A-2**). To minimise potential environmental nuisance to the nearby sensitive receivers, relevant environmental mitigation measures have been proposed by the applicants as detailed in paragraph 1.4 above. Other concerned government departments consulted, including the Director of Fire Services, have no objection to or no comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the planning application be approved, the applicants will also be advised to follow the requirements of the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimise possible environmental nuisance on the surroundings. Regarding the District Lands Officer/North, LandsD’s concerns on the unauthorised structures erected and unlawful occupation of GL within the Site, the applicants 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 two previously approved applications for temporary warehouse as detailed in paragraph 5.2 above. Besides, there is one similar application within the same “AGR” zone approved by the Committee in 2025 as detailed in paragraph 6.1 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.
- 11.6 Regarding public comments and local views conveyed by DO(N), HAD as detailed in paragraphs 10 and 9.3.1 above respectively, the government departments’ comments and the planning assessments above are relevant. For concerns on the right-of-way issues, the applicants have undertaken to provide a 24-hour footpath for nearby residents and villagers.

## 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 and local views conveyed by DO(N), HAD in paragraph 9.3.1 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 27.3.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

### Approval Conditions

- (a) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (b) the implementation of the accepted 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 27.12.2026;
- (c) the implementation of the environmental mitigation measures, as proposed by the applicants, within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 27.12.2026;
- (d) in relation to (c) above, the implemented environmental mitigation measures shall be maintained at all times during the planning approval period;
- (e) if any of the above planning condition (a) or (d) 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;
- (f) if any of the above planning condition (b) or (c) 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
- (g) upon expiry of the planning permission, the reinstatement of the Site, including the removal of hard paving and fill materials, 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**.

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

### **14. Attachments**

<b>Appendix I</b>	Application Form received on 28.11.2025
<b>Appendix Ia</b>	Planning Statement received on 28.11.2025
<b>Appendix Ib</b>	SI received on 5.12.2025
<b>Appendix Ic</b>	SI received on 8.12.2025
<b>Appendix Id</b>	FI received on 6.2.2026
<b>Appendix Ie</b>	FI received on 11.3.2026
<b>Appendix If</b>	FI received on 16.3.2026
<b>Appendix Ig</b>	FI received on 19.3.2026
<b>Appendix II</b>	Previous Applications
<b>Appendix III</b>	Similar Application
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix IVa</b>	Local Views conveyed by DO(N), HAD
<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>	Vehicular and Pedestrian Access Plan
<b>Drawing A-3</b>	Landscape and Tree Preservation Proposal Plan
<b>Drawing A-4</b>	Land Filling Plan
<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 and A-4b</b>	Site Photos