

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/118

- Applicant** : Ms. LAM Mui represented by Ying Shing (Hopewell) Engineering Company Limited
- Site** : Various Lots in D.D. 80 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling North, New Territories
- Site Area** : About 8,550m² (including GL of about 550m² or about 6.4% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Warehouse for Storage of Spare Parts and Recyclable Materials (Metal) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of spare parts and recyclable materials (metal) 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 largely vacant and partly occupied by a temporary structure for storage use without valid planning permission.
- 1.2 According to the applicant¹, the current application is to facilitate the relocation of the business operation in Ha Tsuen affected by government project, i.e. the development of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). The affected operation involves a site area of about 1,800m², which is required to be displaced by December 2025.
- 1.3 The Site is accessible via a local track leading to Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed use comprises seven single-storey structures with building height of not more than 7m and a total floor area of about 1,440m² for warehouses storing spare parts (e.g. inert metal vehicle/mechanical components) and recyclable metal materials. No storage of dangerous goods will be allowed and no dismantling, vehicle repairing, paint spraying or other workshop activities will be carried

¹ The applicant states that she is the director and person-in-charge of the affected business operation (i.e. Ho Sing Trading Company).

out at the Site. The remaining area will be used for accommodating two loading/unloading (L/UL) spaces for medium goods vehicles (MGVs) (2.5m (W) x 11m (L) each), internal circulation and landscape spaces. A fencing of about 3m in height will be erected along the site boundary. The operation hours of the proposed use are between 9:00 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 applicant proposes traffic management measures including installations of convex mirror and traffic sign at the ingress/egress to manage traffic and ensure pedestrian safety. Noting that the Site is overlooked by steep natural terrain and taking into account the comments of the Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO), CEDD), the applicant designates the southwestern portion of the Site as a ‘no-build’ zone (**Plan A-2**) where only tree planting and access road would be provided and no building/structure would be placed. Also, a drainage proposal and a landscape plan proposing to plant 30 new trees at the Site are submitted by the applicant to support the current application (**Drawings A-2 and A-3**).
- 1.5 Part of the Site is the subject of a previous application (No. A/NE-TKLN/79) submitted by a different applicant for proposed temporary warehouse for storage of construction material for a period of three years and associated filling of pond, which was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2024. Details of the previous application are set out in paragraph 5.1 below. A comparison of application No. A/NE-TKLN/79 with the current application is summarised as follows:

	Rejected Application No. A/NE-TKLN/79 (a)	Current Application No. A/NE-TKLN/118 (b)	Difference (b) – (a)
Applied Use	Proposed Temporary Warehouse for Storage of Construction Material for a Period of Three Years and Associated Filling of Pond	Proposed Temporary Warehouse for Storage of Spare Parts and Recyclable Materials (Metal) for a Period of Three Years	Without Filling of Pond
Site Area	about 5,377m ²	about 8,550m ²	+3,173m ² / +59%
Total Floor Area	about 2,222m ²	about 1,440m ²	-782m ² / -35%
No. of Structures	2	7	+5
No. of Storey	1	1	No change
Max. Height of Structures	not more than 7m	not more than 7m	No change
No. of Parking Spaces for Private Cars	2	0	-2 spaces
No. of L/UL Spaces for MGVs	2	2	No change

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

- (a) Application Form with Attachments received on 22.12.2025 (Appendix I)
 - (b) Supplementary Information (SI) received on 23.12.2025 (Appendix Ia)
 - (c) Further Information (FI) received on 9.2.2026* (Appendix Ib)
 - (d) FI received on 16.3.2026* (Appendix Ic)
- *accepted and exempted from publication and recounting requirements*

1.7 On 6.2.2026, the Committee agreed 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, SI and FIs at **Appendices I to Ic**, as summarised below:

- (a) the application is submitted to facilitate the relocation of business operation for warehouse storing spare parts and recyclable materials (metal) affected by HSK/HT NDA. The applicant has spent effort in identifying suitable sites for relocation of the business operation such as in Ta Kwu Ling, Hung Lung Hang, San Tin, Pat Heung, Shap Pat Heung and Yuen Long areas, but they were considered not suitable due to various reasons such as insufficient site area and accessibility. Having taken into account various considerations, such as site area and surrounding land use, the Site is considered suitable for relocation;
- (b) as compared with the affected premises, the increase in site area of the current application is primarily to provide more spaces for internal circulation, clearer segregation between different materials and improvement on occupational safety and housekeeping. Also, a substantial portion of the Site is intentionally reserved for the ‘no-build’ zone and landscaping. The frontage greening could reduce interface and visual impact;
- (c) approval of the application on a temporary basis would not prejudice the long-term planning intention of the “REC” zone;
- (d) all goods vehicles will operate on an appointment-only basis. The additional traffic generated by the proposed use is limited. The proposed use will not cause substantial traffic impact on the surrounding road network. 30 new trees are proposed to be planted within the Site to improve the landscape setting;
- (e) the applicant will manage the operation in accordance with ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) and comply with the Water Pollution Control Ordinance, Air Pollution Control Ordinance, Noise Control Ordinance and other relevant ordinances at all times. The applicant will also follow the good practices; and
- (f) upon approval of the application, the applicant will submit Short Term Waiver (STW) and Short Term Tenancy (STT) for occupation of GL and new structures. The existing structure at the Site will be rebuilt. Fire service installations (FSIs) proposal with additional fire safety measures (if required) will be submitted to the Fire Services Department. An Authorised Person will be appointed to coordinate building plan submissions. For the private lots encircled by the Site, the applicant advises that access connecting these lots to Lin Ma Hang Road will be maintained at all times.

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 sending notice to Ta Kwu Ling District Rural Committee and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, “Owner’s Consent/Notification” Requirements are not applicable.

4. Background

- 4.1 Recent site inspection revealed that temporary structures were observed at the eastern portion of the Site and the western portion was largely vacant. The Site and its vicinity will be monitored according to established practice.
- 4.2 The western part of the Site falls within two previous enforcement cases (No. E/NE-TKLN/66 and 73) regarding unauthorized storage use (including deposit of containers) (**Plan A-2**). Enforcement Notices (ENs) were issued on 19.1.2022 and 5.10.2022 respectively requiring discontinuation of the unauthorized developments (UDs). As the UD was not discontinued after the ENs expiry, relevant registered owners were convicted in 2023 and 2024. Subsequently, the UD was found discontinued and Compliance Notices (CNs) were issued to the relevant registered owners in November 2024 and March 2025 respectively.
- 4.3 The southern tip of the Site falls within a previous enforcement case (No. E/NE-TKLN/76) regarding unauthorized storage use (**Plan A-2**). EN was issued on 30.10.2023 requiring discontinuation of the UD. As the UD was not discontinued upon EN expiry, the registered owner was convicted in 2024. Subsequently, the UD was found discontinued and CN was issued to the relevant registered owner in May 2025.

5. Previous Application

- 5.1 Part of the Site is the subject of a previous application (No. A/NE-TKLN/79) submitted by a different applicant for proposed temporary warehouse for storage of construction material for a period of three years and associated filling of pond, which was rejected by the Committee on 19.7.2024 mainly on the grounds that there was no strong planning justification for a departure from the planning intention. Besides, the Director of Environmental Protection (DEP) did not support the application from environmental perspective and the Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L, PlanD) raised concern on the application from landscape planning perspective. Compared with the previous application, the current application involves the changes in development parameters as detailed in paragraph 1.5 above.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/NE-TKLN/89, 103, 105 and 107) for temporary warehouse use within the same “REC” zone in the vicinity of the Site in the

past five years. All of them were approved with conditions by the Committee for a period of three years in 2025 mainly on the considerations that the applicants proposed measures to address traffic concerns and the Commissioner for Transport (C for T) had no comment on the application; there were no major adverse departmental comments; and policy support from the Secretary for Development (SDEV) was obtained as the application was to facilitate relocation of business operation affected by government project (for application No. A/NE-TKLN/89 only).

6.2 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-4)

7.1 The Site is:

- (a) largely vacant and partly hard-paved with a temporary structure for storage use without valid planning permission; and
- (b) accessible via a local track on the southwest of the Site leading to Lin Ma Hang Road.

7.2 The surrounding areas are of rural character mainly comprising warehouses, open storage yards, domestic structures and vacant land (**Plan A-1**).

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density 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 low-density recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau and department 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:

9.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation as a warehouse for storage of spare parts and recyclable materials (metal) which was previously situated 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 business elsewhere,

and the Site is the most suitable relocation site. The site area under the current application is larger than the area of the original premises of the affected brownfield operation. The applicant explains that it is to provide more spaces for internal circulation, clearer segregation between different materials and more covered areas for improvement on occupational safety and housekeeping. Also, a substantial portion of the Site is intentionally reserved for the 'no-build' zone as suggested by H(GEO), CEDD as the southwestern portion of the Site is overlooking a steep natural terrain; and

- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from policy perspective.

9.3 The following government department objects to the application:

Land Administration

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

- (a) he objects to the application;
- (b) the Site comprises GL and 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) no consent is given for inclusion of GL (about 550m² as mentioned in the Application Form) in the Site. The applicant is required to clarify whether policy support has been obtained for inclusion of the said GL. The proposal isolates a cluster of private lots (i.e. Lots 501 S.B, 501 S.C, 501 S.D, 502, 503, 504 and 505 in D.D. 80). The applicant is required to clarify the future access arrangement of the said to-be-isolated lots.
- (d) the following irregularity covered by the planning application has been detected by his office:

unauthorised structures within Lots 514, 515, 516 S.C and 517 RP in D.D. 80 covered by the planning application

according to the site inspection in mid-February 2026, there are unauthorised structures on Lots 514, 515, 516 S.C and 517 RP in D.D. 80 and extended to adjoining private Lots 502, 504, 516 S.B, 516 S.D, 516 S.E, 518, 519, 530, 533 and 537 in D.D. 80 not covered by the 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;

- (e) the lot owners/applicant shall either (i) remove the unauthorised structures not covered by the planning application immediately; or (ii) include the unauthorised structures in the planning application for

further consideration by relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owners shall apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structures erected/to be erected within the said private lots 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. The STW and STT, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee and rental from the first date when the unauthorised structures were erected and the GL was occupied (if found) 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 and the unlawful occupation of GL, 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 use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (f) unless and until the unauthorised structures are duly rectified by the lot owners/applicant or entirely included in the planning application and applicant's clarification as required in paragraph 9.3.1 (c) above, his office's objection to the application must be brought to the attention of the Board when they consider the application.

10. Public Comments Received During Statutory Publication Period

On 30.12.2025, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). One comment from an individual objects to the application mainly on the grounds that the Site is the subject of a rejected previous application; the proposed use is incompatible with the "REC" zone; and the scale of the proposed use is larger than that in the original operation. The remaining comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

11.1 The application is for proposed temporary warehouse for storage of spare parts and recyclable materials (metal) for a period of three years at the Site falling within an area zoned "REC" on the OZP. While the proposed use is not in line with the planning intention of the "REC" zone, there is no known proposal for recreational development at the Site. Also, according to the applicant, the application is to facilitate the relocation of the business operation affected by HSK/HT NDA, and the Site is considered suitable for relocation as identified by the applicant. In this regard, SDEV advises that the application is to facilitate relocation of the brownfield operation affected by HSK/HT NDA, and subject to no adverse comments on land use compatibility and technical aspects from concerned government departments, the application is supported from policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, there is no objection to the proposed use on a temporary basis of three years.

- 11.2 The Site is located in an area of rural character mainly comprising warehouses, open storage yards, domestic structures and vacant land. The applicant submits a landscape plan proposing to plant 30 new trees at the Site. CTP/UD&L, PlanD has no adverse comment on the application from landscape planning perspective and advises that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.3 C for T has no comment on the application. Taking into consideration the context of the Site including its location and the existing traffic conditions on Lin Ma Hang Road, she recommends imposing an approval condition on restricting operation on Saturdays, Sundays and public holidays. Also, approval conditions on submission, implementation and maintenance of traffic management measures are also recommended. Other relevant government departments consulted, including DEP, Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department have no objection to or no adverse comment on the application. To address the technical requirements of other government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will also be advised to follow the COP to minimise any possible environmental nuisance. Regarding DLO/N, LandsD's concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 11.4 Part of the Site is the subject of a previous application (No. A/NE-TKLN/79) for proposed temporary warehouse for storage of construction material for a period of three years and associated filling of pond, which was rejected by the Committee in 2024 as mentioned in paragraph 5.1 above. Compared with the rejected previous application, there are no adverse comments on the current application from concerned government departments on environmental and landscape aspects. Also, policy support from SDEV has been rendered to the current application to facilitate relocation of the brownfield operation affected by HSK/HT NDA. The planning circumstances of the current application are different from those of the rejected previous application.
- 11.5 There are four approved similar applications within the same "REC" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.
- 11.6 Regarding the public comments on the application as detailed 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 27.3.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 27.9.2026;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 27.12.2026;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 27.9.2026;
- (f) in relation to (e) 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 27.12.2026;
- (g) the submission of traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 27.9.2026;
- (h) in relation to (g) above, the implementation of the traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 27.12.2026;
- (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 (a), (d) 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 (b), (c), (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**.

12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use is not in line with the planning intention of the "REC" zone which is primarily for low-density recreational developments for the use of the general public. 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 I	Application Form with Attachments received on 22.12.2025
Appendix Ia	SI received on 23.12.2025
Appendix Ib	FI received on 9.2.2026
Appendix Ic	FI received on 16.3.2026
Appendix II	Previous Application
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	Drainage Proposal
Drawing A-3	Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MARCH 2026**