

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/833

- Applicant** : Luck Great Global Engineering Limited represented by Tai Wa Development Consultants Limited
- Site** : Various Lots in D.D. 82 and Adjoining Government Land (GL), Ping Che, Ta Kwu Ling
- Site Area** : About 2,366m² (including GL of about 91m² or 3.8% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials and Machinery and Associated Filling of Land 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 machinery 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, hard-paved and occupied by some structures.
- 1.2 The Site is accessible via a local access road leading to Ping Che Road (**Plan A-1**). According to the applicant, about 1,225m² or 52% of the Site is intended for open storage of construction materials (steel beam, bricks, scaffold, etc.) and machinery (generator, elevated platform, etc.). No storage of dusty and dangerous goods will be allowed and no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities will be carried out at the Site at any time during the planning approval period. No structures will be erected at the Site. The remaining open area will be used for one loading/unloading (L/UL) space (3.5 m (W) x 11 m (L)) for heavy goods vehicle and circulation space. The applicant proposes traffic management measures including deploying staff to direct vehicles entering/exiting the Site and erecting signs at the ingress/egress to enhance pedestrian and road safety. The operation hours are between 9

a.m. and 7 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**.

1.3 The applicant also applies for regularisation of filling of land at the entire site with concrete of not more than 0.1m in depth (i.e. the current site level ranges from about +11.4mPD to +11.8mPD) for open storage, provision of L/UL and circulation area. No further filling of land will be carried out at the Site. The land filling plan submitted by the applicant is shown in **Drawing A-2**.

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

- (a) Application Form with attachment received on 24.2.2026 **(Appendix I)**
- (b) Further Information (FI) received on 27.3.2026* **(Appendix Ia)**

** accepted and exempted from publication and recounting requirements*

2. Justifications from the Applicant

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

- (a) the Site falls within the 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). Approval of the current application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone and better utilise precious land resources in the New Territories. The proposed use could also support the local construction industry;
- (b) the proposed use is not incompatible with the surrounding areas occupied by warehouses, open storage/storage yards and workshops and there are similar planning approvals within the “AGR” zone on the OZP. Approval of the application will not set an undesirable precedent; and
- (c) adverse traffic impact is not envisaged. The applicant will comply with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) to minimise adverse environmental impacts and nuisances to the surrounding area. All environmental protection/pollution control ordinances will be complied with at all times during the planning approval period. Upon obtaining planning approval, the applicant will demolish the existing structures within the Site, and submit application for Short Term Tenancy (STT) to the Lands Department (LandsD).

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 site notice and sending notice to 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 under TPB PG-No. 31B are not applicable.

4. **Town Planning Board Guidelines**

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the 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 currently not subject to any active planning enforcement action.

6. **Previous Applications**

6.1 The Site is in part the subject of two previous applications (No. A/DPA/NE-TKL/24 and 36) for warehouse uses which were rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 1992. The planning considerations of these applications are not applicable to the current application which is for a different use.

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

7. **Similar Applications**

7.1 There are 19 similar applications (No. A/NE-TKL/671, 690, 695, 707, 714, 724, 734, 743, 745, 746, 758, 761, 763, 786, 805, 806, 807, 815 and 821) involving 13 sites for temporary open storage use for a period of three years within the “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). 18 of these applications falling within the Category 2 areas under TPB PG-No. 13F/13G were approved with conditions by the Committee between 2021 and 2025 mainly on the considerations that the application generally complied with the relevant TPB Guidelines; and there were no major adverse departmental comments and concerns of the relevant government departments could be addressed through imposition of approval conditions.

7.2 The remaining application No. A/NE-TKL/690 which fell within the Category 3 areas under the then TPB PG-No.13F was rejected by the Committee on 14.1.2022 mainly on the grounds that there was no strong justification for a departure from the planning intention; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas. The site was subsequently reclassified as Category 2 areas and covered by one of the approved similar applications (i.e. No. A/NE-TKL/743) for temporary open storage use as mentioned in paragraph 7.1 above.

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

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

8.1 The Site is:

- (a) fenced-off, hard-paved and occupied by some structures; and

(b) accessible via a local access road leading to Ping Che Road.

8.2 The surrounding areas are of rural character comprising mainly storage/open storage yards, warehouses, active/fallow agricultural land, vacant land and domestic structures.

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, as filling of land within the “AGR” zone 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 Departments

10.1 Apart from the government departments as set out in paragraph 10.2 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 V** and **VI** respectively.

10.2 The following government departments have adverse comments on or do not support the application:

Land Administration

10.2.1 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) no consent is given for inclusion of GL (about 91m²) as mentioned in the Application Form in the Site;
- (d) the following irregularities covered by the planning application have been detected by his office:

unauthorised structures within Lots 567, 568, 573, 574 and 576 all in D.D. 82 covered by the planning application

there are unauthorised structures on Lots 567, 568, 573, 574 and 576 all in D.D. 82 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;

unlawful occupation of GL in D.D. 84 adjoining Lot 568 in D.D. 82 covered by the planning application

the GL within the Site (about 91m² as mentioned in the Application Form) has been fenced-off/illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. The lot owner(s) should immediately cease the illegal occupation of GL as demanded by LandsD. 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 planning application have been detected by his office:

unauthorised structure(s) within Lot 577 in D.D. 82 not covered by the planning application

there is an unauthorised structure extended from Lots 573, 574 and 576 in D.D. 82 to Lot 577 in D.D. 82 which is not covered by the planning application. The lot owner(s) should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

unlawful occupation of GL not covered by the planning application

- (f) the GL adjoining the Site and Lot 569 in D.D. 82 has been fenced-off 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 Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
- (g) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owners/applicant should remove all the unauthorised structures and rectify the occupation of GL immediately. If the planning application is approved, the lot owner(s)/occupier(s) shall apply to his office for a STT to permit the occupation of the GL. The application for STT will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STT, if approved, will be subject to such terms and conditions including the payment of back-dated rent from the date when the GL was first enclosed and administrative fee as considered appropriate to be imposed by LandsD; and
- (h) his advisory comments are at **Appendix VI**.

Agriculture

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

- (a) the application is not supported from the agricultural perspective; and
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. The agricultural activities are active in the vicinity, 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, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

11. Public Comments Received During Statutory Publication Period

On 3.3.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). Two comments from Kadoorie Farm & Botanic Garden Corporation and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of “AGR” zone; the application is to legitimise an open storage operation; and the Board is suggested to investigate whether the Site is involved in any ongoing enforcement case/unauthorized use/activities and consider whether approval condition on reinstating the Site upon expiry of planning permission is required. The remaining 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 machinery and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 12.2 The application involves regularisation of filling of land at the Site with concrete of not more than 0.1m in depth for open storage, provision of L/UL and circulation area. Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. Also, 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 located in an area of rural character comprising mainly storage/open storage yards, warehouses, active/fallow agricultural land, vacant land and domestic structures. The proposed use is considered not entirely incompatible with the surrounding land uses.

- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with TPB PG-No. 13G in that relevant departments consulted have no objection to or no adverse comment on the application. While the Commissioner for Transport has no comment on the application, she recommends imposing approval conditions on implementation and maintenance of traffic management measures to enhance road safety and improve road management. To address the technical requirements of other concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. 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 potential environmental nuisance. Regarding DLO/N, LandsD's concern on the unauthorised structures erected within/outside 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.
- 12.5 There are 19 similar applications for temporary open storage use within the "AGR" zone in the vicinity of the Site in the past five years. 18 of them falling within the Category 2 areas under TPB PG-No. 13F/13G were all approved with conditions by the Committee between 2021 and 2025 as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee's previous decisions.
- 12.6 Regarding the public comments as detailed in paragraph 11 above, 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, the Planning Department 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 17.4.2029. 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 17.10.2026;
- (b) in relation to (a) above, the implementation of the 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 17.1.2027;
- (c) in relation to (b) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) the compliance with fire safety requirements 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 17.1.2027;

- (e) 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 17.1.2027;
- (f) in relation to (e) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (g) if any of the above planning condition (c) or (f) 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;
- (h) 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
- (i) upon 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 VI**.

- 13.3 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.

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

Appendix I	Application Form with Attachments received on 24.2.2026
Appendix Ia	FI received on 27.3.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G

Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2026**