

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/55

- Applicants** : Kin Sun Pigeon and Kwong Lee Poultry Limited represented by Metro Planning & Development Company Limited
- Site** : Lots 510, 511, 512 and 524 S.A ss.1 S.A in D.D. 90, Lin Ma Hang Road, Ta Kwu Ling, New Territories
- Site Area** : About 1,500m²
- 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** : “Agriculture” (“AGR”)

[No change to the “AGR” zone under the current OZP]
- Application** : Proposed Temporary Warehouse (Cold Store for Iced Poultry) and Shop and Services (Fresh Provision Shop) 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 (cold store for iced poultry) and shop and services (fresh provision shop) 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 partly fenced-off, currently generally vacant and mainly covered by wild grass and vegetation (**Plans A-4a to A-4c**).
- 1.2 According to the applicants, the application is submitted to facilitate the relocation of business operations at the original sites affected by Kwu Tung North New Development Area (KTN NDA) and Hung Shui Kiu/Ha Tsuen (HSK/HT) NDA which have been resumed by the Government. The affected operations are for storage of iced poultry, involving a total site area of about 1,800m², as claimed by the applicants.

- 1.3 The Site is accessible from Lin Ma Hang Road to the south via adjoining private lots (i.e. Lots 515 RP and 524 S.B in D.D. 90) (**Plan A-2**). According to the submission, the proposed uses consist of a single-storey temporary enclosed structure with a total floor area of about 540m² and a building height not exceeding 8.5m, which will accommodate a cold store for iced poultry (about 470m²), a fresh provision shop (about 60m²) for the sale of poultry and a toilet (about 10m²). Two private car parking spaces (5m (L) x 2.5m (W) each) and a light goods vehicle (LGV) loading/unloading (L/UL) space (7m (L) x 3.5m (W)) are proposed within the Site. No workshop activities are proposed within the Site. The operation hours of the proposed uses are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicants is shown in **Drawing A-1**.
- 1.4 According to the applicants, a 6m-wide ingress/egress is proposed at the southeast of the Site and sufficient space will be provided within the Site for manoeuvring of vehicles. A new 7m-wide run-in/out at Lin Ma Hang Road is proposed, which will be constructed in accordance with the standards and requirements of the Highways Department (HyD). A swept path analysis for LGV has been submitted in support of the application. According to the traffic management measures proposed by the applicants (**Appendices Ib** and **Ih**), an advance booking of the L/UL space will be required to prevent illegal parking; no car gate will be installed at the Site to ensure no queuing back of vehicles outside the Site; and traffic signs, flashing lights and an alarm system will be provided at the ingress/egress to ensure pedestrian safety. No container trailer/tractor is allowed to access the Site.
- 1.5 The applicants also apply for filling of land of about 1,450m² (or about 97% of the Site) with concrete by about 0.2m in depth for site formation purpose (**Drawing A-2**). A drainage proposal (**Drawing A-3**), with the provision of a 450mm surface U-channel along the site periphery and catchpits at the Site, is submitted by the applicants in support of the application. The intercepted stormwater shall discharge to the existing natural drain to the west of the Site. A gap of 0.1m will be reserved at the toe of site hoarding to allow unobstructed flow of the surface runoff. All the proposed drainage facilities will be provided and maintained at the applicants' own expense.
- 1.6 A landscape plan (**Drawing A-4**) is submitted in support of the application. All the existing trees within the Site will be removed as they are in conflict with the proposed uses, and 35 *Cassia surattensis* (黃槐) will be replanted along the periphery of the Site for compensatory planting to mitigate the potential landscape impact. To mitigate potential slope instability resulting from the suspected unauthorised slope works, a 2m no-build zone is proposed at the southern portion of the Site (**Drawing A-1**). To minimise adverse environmental impact, the proposed cold store will be an enclosed structure and the plant room will include noise insulation. A septic tank and soakaway system will be designed and constructed according to government requirements.
- 1.7 In support of the application, the applicants have submitted the following documents:
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|-----|---|------------------------|
| (a) | Application Form received on 27.10.2025 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Further Information (FI) received on 20.1.2026* | (Appendix Ib) |
| (d) | FI received on 4.2.2026* | (Appendix Ic) |
| (e) | FI received on 11.2.2026* | (Appendix Id) |
| (f) | FI received on 16.3.2026* | (Appendix Ie) |
| (g) | FI received on 1.4.2026* | (Appendix If) |
| (h) | FI received on 14.4.2026* | (Appendix Ig) |

(i) FI received on 20.4.2026*

(Appendix Ih)

* *accepted and exempted from publication and recounting requirements*

1.8 On 19.12.2025 and 13.3.2026, the Rural and New Town Planning Committee (the Committee) decided to defer making a decision on the application as requested by the applicants for two months each.

2. **Justifications from the Applicants**

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

- (a) the proposed uses are to facilitate the relocation of brownfield operations (i.e. storage of iced poultry) affected by KTN and HSK/HT NDAs. The applicants wish to relocate the business to the Site to continue the business operations, which aims to sustain the stable supply of poultry in Hong Kong;
- (b) the applicants have conducted a site search process to identify suitable site for the relocation of the affected operation, and the Site is considered most suitable relocation option;
- (c) the proposed uses, layout, form and scale are considered not incompatible with the surrounding areas;
- (d) the Site has been vacant for a long period of time and it has not been rehabilitated for agricultural activities. Besides, the proposed uses are temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (e) there are similar precedent cases approved by the Committee in the same “AGR” zone;
- (f) no significant adverse impacts in terms of environmental, traffic, drainage, etc. are anticipated. The applicants will strictly follow the ‘Code of Practice on handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) issued by the Environmental Protection Department and comply with the relevant mitigation measures and requirements; and
- (g) the applicants have sought the owner’s consent to use the adjoining private lots for vehicular access, and 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 applicants are 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.

4. **Background**

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

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Applications**

- 6.1 There are 11 similar applications (No. A/NE-MKT/25, 26, 29, 31, 34, 35, 37, 39, 40, 46 and 56) for temporary warehouses with or without associated filling of land, and a similar application (No. A/NE-MKT/47) for temporary shop and services with associated filling of land for a period of three years within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**).
- 6.2 Amongst them, seven applications (No. A/NE-MKT/34, 35, 37, 39, 40, 46 and 56)¹ for proposed warehouse were approved by the Committee between July 2024 and February 2026 mainly on the considerations that the application was to facilitate relocation of business operation affected by government projects (i.e. KTN/Fanling North, Yuen Long South and HSK/HT NDAs) and the Secretary for Development (SDEV) rendered policy support to the application; there were no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses.
- 6.3 Application No. A/NE-MKT/47 for temporary shop and services (convenient store) and associated filling of land was approved with conditions by the Committee on 18.7.2025 mainly on the considerations that the proposed use was not entirely incompatible with the surrounding land uses; and there were no major adverse departmental comments on the application.
- 6.4 The remaining four applications (No. A/NE-MKT/25, 26, 29 and 31) were rejected by the Committee/the Board on review in 2023 mainly for the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; and being failed to demonstrate that the proposed use would not induce adverse traffic, drainage, landscape and/or environmental impacts on the surrounding areas. For application No. A/NE-MKT/25, the site was subsequently covered by one of the approved similar applications (No. A/NE-MKT/56) for proposed temporary warehouse as mentioned in paragraph 6.2 above.
- 6.5 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.
- 6.6 Two similar applications for proposed temporary shop and services (No. A/NE-MKT/59) and proposed temporary warehouse (storage of construction materials) (No. A/NE-MKT/61), both involving associated filling of land for a period of three years within the

¹ The planning permissions under applications No. A/NE-MKT/34, 35 and 40 were revoked on 20.9.2025, 19.4.2026 and 2.5.2026 respectively, due to non-compliance with approval conditions relating to the submission and/or implementation of drainage proposal/drainage impact assessment, fire service installations proposal, and/or traffic management measures.

same “AGR” zone, and located to the southeast across Lin Ma Hang Road and to the northeast of the Site respectively, will be considered by the Committee at this meeting (**Plan A-1**).

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

7.1 The Site is:

- (a) partly fenced-off, currently vacant, and mainly covered by wild grass and vegetation;
- (b) partly comprised a filled platform at the southwestern portion; and
- (c) accessible from Lin Ma Hang Road to the south via adjoining private lots (i.e. Lots 515 RP and 524 S.B in D.D. 90).

7.2 The surrounding areas are of rural character mainly comprising temporary domestic structures, active/fallow agricultural land, vegetated areas and tree clusters. To the northeast is a site with valid planning permission under application No. A/NE-MKT/37 for temporary warehouse for storage of food provisions. To the southeast and south across Lin Ma Hang Road are a site with valid planning permission under application No. A/NE-MKT/49 for temporary vehicle repair workshop and open storage of vehicles (coaches only) with ancillary facilities, and the Hong Kong Seeing Eye Dog Training School zoned “Government, Institution or Community” respectively.

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, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureaux/Departments

9.1 Apart from the government bureaux/departments as set out in paragraphs 9.2 to 9.4 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 III** and **IV** respectively.

9.2 The following government bureaux support the application.

Policy Aspects

9.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation providing storage of poultry which was previously situated in KTN and HSK. The brownfield operation has been affected by the Remaining Phase development of KTN NDA and the Secondary 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 businesses elsewhere, and the Site under the current application is the most suitable relocation site. The site area under the current application is smaller than the area of the original premises of the affected brownfield operation; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from the policy perspective.

9.2.2 Comments of the Secretary for Environment and Ecology (SEE):

- (a) as the applicants specialise in the import and wholesale business of poultry and chilled meat, the operation of the applicants could contribute to the steady supply of the relevant food products in the local market. Insofar the applicants' storage of poultry business is concerned, Environment and Ecology Bureau (EEB) (Food Branch) gives in-principle policy support to the application, subject to its compliance with the prescribed requirements for operating a licenced cold storage facility including but not limited to fire safety, water supply and sanitary requirements, and the applicants' compliance to the satisfaction of all departments concerned;
- (b) ensuring food safety and providing diversity of food supply is one of the important policy objectives of the EEB (Food Branch). Often times, (imported) poultry and chilled meat have to be temporarily stored in licensed cold stores if the products are not transported/sent directly to retail outlets or licensed food premises upon entering Hong Kong. For years, importers and distributors of chilled poultry have expressed difficulties in competing with traders of other commodities in gaining access to the licensed cold storage facilities available in the market due to their business nature; and
- (c) his other advisory comments are at **Appendix IV**.

9.3 The following government department provides view on the application.

Traffic

Comments of the Commissioner for Transport (C for T):

- (a) she has no adverse comment on the application from traffic engineering perspective;

(b) after taking into consideration the location of the Site and the traffic conditions on Lin Ma Hang Road, should the application be approved, conditions should be included to request the applicants to implement the proposed traffic management measures, and to maintain the implemented traffic management measures at all times during the planning approval period; and

(c) her other advisory comments are at **Appendix IV**.

9.4 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 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. No right of access via Government Land is granted to the Site. The proposed vehicular access is required to pass through other private lots, and the applicants shall make their own arrangement;

(c) unless and until the structure not covered in the planning application is duly rectified by the lot owner(s)/applicants or entirely included in the subject planning application, it should be taken as his office's adverse comment to the application which must be brought to the attention of the Board when it considers the application; and

(d) his other advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 4.11.2025, the application was published for public inspection. During the statutory public inspection period, five public comments were received (**Appendix V**). Amongst them, four comments from the Indigenous Inhabitant Representative of Muk Wu, Kadoorie Farm & Botanic Garden Corporation and two individuals object to the application mainly on the grounds that the proposed uses will cause adverse traffic, environmental and ecological impacts, as well as safety risks posed to nearby residents; the Site is not the subject of any previous approved application; the proposed uses are not in line with the planning intention of the "AGR" zone; sympathetic consideration should not be given to the proposed uses facilitating the relocation of business operations affected by government projects; and the proposed uses should instead be located in close proximity to residential/shopping nodes. 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 (cold store for iced poultry) and shop and services (fresh provision shop) and associated filling of land for a period of three years at the Site which is zoned "AGR" on the OZP (**Plan A-1**). While the proposed uses are not in line with the planning intention of the "AGR" zone, the Director of Agriculture,

Fisheries and Conservation advises that, though the Site possesses potential for agricultural rehabilitation, whether there will be agricultural activities on a specific site will hinge on a lot of factors. SEE gives in-principle policy support to the application, considering the important role of the applicants and the proposed uses in maintaining stable food supply in Hong Kong. In addition, SDEV advises that the application is submitted to facilitate the relocation of a brownfield operation affected by KTN and HSK/HT NDAs, and the Site is identified by the applicants as the most suitable relocation site to accommodate operational needs. Subject to no adverse comments on land use compatibility and technical aspects from relevant government departments, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support given by SEE and SDEV, sympathetic consideration could be given to the proposed uses on a temporary basis of three years.

- 11.2 The applicants apply for filling of land of about 1,450m² (or about 97% of the Site) with concrete in a depth of about 0.2m for site formation purpose (**Drawing A-2**). 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 has no objection to the application from the public drainage viewpoint and DEP has no comment on the filling of land from environmental perspective. As the Site is zoned “AGR”, an approval condition requiring 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, being accessible from Lin Ma Hang Road to the south via adjoining private lots, is located in an area of rural character mainly comprising temporary domestic structures, active/fallow agricultural land, vegetated areas and tree clusters (**Plans A-3a to A-4b**). The proposed uses are considered not entirely incompatible with the surrounding land uses. Noting that the applicants have submitted a landscape proposal with replanting 35 trees to compensate the tree felling within the Site (**Drawing A-4**), the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that significant adverse landscape impact arising from the proposed uses is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services and Chief Highway Engineer/New Territories East, HyD, have no objection to or no adverse comment on the application. While C for T has no adverse comment on the application from traffic engineering perspective, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures taking into consideration the location of the Site and the traffic conditions on Lin Ma Hang Road. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively. Should the application be approved, the applicants will also be advised to follow the requirements in the ‘COP’ and implement the relevant mitigation measures to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within and outside the Site, the applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are 11 similar applications for temporary warehouse with or without associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). Seven of them are related to the relocation of brownfield operations affected by government projects, which were approved with conditions by the Committee between July 2024 and February 2026 as detailed in paragraph 6.2 above. Besides, another similar

application for temporary shop and services within the same “AGR” zone was also approved by the Committee as detailed in paragraph 6.3 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.

- 11.6 Regarding the public comments mentioned in paragraph 10 above, the government bureaux/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 8.5.2029. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) the submission of a revised 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 8.11.2026;
- (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 8.2.2027;
- (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 8.11.2026;
- (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 8.2.2027;
- (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 8.11.2026;
- (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 8.2.2027;
- (h) the implementation of the traffic management measures, as proposed by the applicants, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 8.2.2027;

- (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;
- (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; and
- (l) upon the expiry of the planning permission, the reinstatement of the Site, including removal of fill materials and hard paving, and grassing 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 IV**.

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

the proposed uses with associated filling of land are not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

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

Appendix I	Application Form received on 27.10.2025
Appendix Ia	SPS
Appendix Ib	FI received on 20.1.2026
Appendix Ic	FI received on 4.2.2026
Appendix Id	FI received on 11.2.2026
Appendix Ie	FI received on 16.3.2026
Appendix If	FI received on 1.4.2026
Appendix Ig	FI received on 14.4.2026

Appendix I	FI received on 20.4.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
MAY 2026**