

**Similar Application for Temporary Shop and Services
within the same “Agriculture” zone in the vicinity of the Application Site**

Approved Application

Application No.	Uses / Developments	Date of Consideration
A/NE-MKT/47	Proposed Temporary Shop and Services (Convenient Store) and Associated Filling of Land for a Period of Three Years	18.7.2025

Government Departments' General Comments

1. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no objection to the application from public drainage viewpoint;
- should the application be approved, conditions should be included to request the applicant to submit and implement a drainage proposal for the application site (the Site) to ensure it will not cause adverse drainage impact to the adjacent area, and the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period; and
- her detailed advisory comments on the application are at **Appendix IV**.

2. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installation and water supplies for firefighting being provided to his satisfaction; and
- his detailed advisory comments on the application are at **Appendix IV**.

3. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- as there is no record of approval granted by the Building Authority for the existing structure at the Site, he is not in a position to offer comments on their suitability for the proposed use in the application; and
- his detailed advisory comments on the application are at **Appendix IV**.

4. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2025, the Site is located in an area of rural inland plains landscape character comprising warehouses, temporary structures, village houses, vegetated areas

and tree clusters. The proposed use is considered not entirely incompatible with the surrounding environment;

- with reference to site photos taken in March 2026, the Site was fenced-off and largely formed. Some temporary structures and one fruit tree were observed within the Site. As stated in **Appendix I**, tree felling is not involved;
- in view of the above, significant adverse landscape impact arising from the proposed use is not anticipated; and
- her detailed advisory comments on the application are at **Appendix IV**.

5. Environment

Comments of the Director of Environmental Protection (DEP):

- although domestic dwelling is identified within 100m from the Site (**Plan A-2**), no heavy vehicle nor dusty operation is involved, hence he has no objection to the application from environmental planning perspective;
- no comment on the filling of land from environmental planning perspective subject to implementation of relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts during filling of land;
- no environmental complaint was received for the Site in the past three years; and
- his detailed advisory comments on the application are at **Appendix IV**.

6. Other Departments

The following government departments have no objection to/no comment on the application:

- (a) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (b) Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD);
- (c) Head of the Geotechnical Engineering Office, CEDD (H(GEO), CEDD);
- (d) Director of Food and Environmental Hygiene (DFEH);
- (e) Commissioner of Police (C of P); and
- (f) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD).

Reply from IIR of Muk Wu:

申請編號：A/NE-MKT/59
擬議臨時商店及服務行業及相關填土工程（為期3年）
文錦渡蓮麻坑路丈量約份第90約地段第477號A分段餘段

本人/機構接獲北區民政處來信，諮詢上述事宜，現回覆如下：

- 贊成（理由/意見：_____）
- 反對（理由/意見：
嚴重影響本村附近環境及對
村民道路交通造成破壞和環境污染
本村居民一致反對
- 無意見（其他補充事項：_____）

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本人/機構接獲北區民政處來信，諮詢上述事宜，現回覆如下：

- 贊成（理由/意見：_____）
- 反對（理由/意見：
反對此段道路經常維修
道路已經很繁忙，做成對村
民不便。
- 無意見（其他補充事項：_____）

（請於合適的方格內填上「✓」號）

Recommended Advisory Clauses

- (a) the permission is given to the use under the application. It does not condone any other use(s)/development which currently exist(s) on the application site (the Site) but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the Site;
- (c) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (d) to note the comments of the Commissioner for Transport (C for T) that no vehicle is allowed to queue back to public road at any time during the planning approval period;
- (e) to note the comments of the District Lands Officer/North, LandsD (DLO/N, LandsD) that:
 - (i) the following irregularity covered by the subject planning application has been detected by his office:

Unauthorised structures within the said private lot covered by the planning application

there are unauthorised structures on the said private lot which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD;

- (ii) the following irregularity not covered by the subject planning application has been detected by his office:

Unlawful occupation of Government Land (GL) adjoining the said private lot not covered by the planning application

the GL adjoining the said private lot has been fenced off and illegally occupied with unauthorised structures without permission. The GL being illegally occupied is not included in the application. The applicant should clarify the extent of the Site. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). There is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL and remove the unauthorised structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against illegal occupation of GL without further notice;

- (iii) the lot owner(s)/applicant shall remove the unauthorised structures and cease the illegal occupation of the GL not covered by the subject planning application immediately, and subject to the approval of the Town Planning Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for a Short Term Waiver (STW) to permit the structure(s) erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and will be subject to such terms and conditions including the payment of waiver fee and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to

take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, 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; and

- (iv) the lot owners should comply with all the land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the Site is in an area where no public sewerage connection is available; and
 - (ii) the applicant should be reminded of the following general requirements in the drainage proposal:
 - surface channel with grating covers should be provided along the site boundary;
 - a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
 - the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - a catchpit with covers should be provided where there is a change of direction of the channel/drain. The details of the catchpit with covers shall be provided;
 - catchpits with sand trap shall be provided at the outlets of the proposed drainage system. The details of the catchpit with sand trap should be provided;
 - the applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. He/she should also ensure that the flow from the Site will not overload the existing drainage system;
 - where walls are erected or kerbs are laid along the site boundary, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;
 - all existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site any time during or after the works;
 - the proposed drainage works, whether within or outside the Site, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at his/her own expense;
 - for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N, LandsD and/or relevant private lot owners;

- the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- the applicant shall allow all time free access for the Government and its agent to conduct site inspection on his/her completed drainage works;
- the applicant and the successive lot owners shall allow connections from the adjacent lots to the completed drainage works on GL when so required; and
- photos should be submitted clearly showing the current conditions of the area around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse and the existing watercourse at about 20m intervals. The locations of the camera and the direction of each photo should also be indicated on a plan;

(g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In addition, the applicant should note that:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans;

if the proposed structures are required to comply with the Buildings Ordinance (Cap. 123) (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:

- (i) it is noted that three structures and land filling are proposed in the application. Before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained unless they are exempted building works or commenced under the simplified requirement under the Minor Works Control System, otherwise they are unauthorised building works (UBW) under the BO. An Authorised Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and
- (ii) the applicant's attention is drawn to the following points:
 - the Site shall be provided with emergency vehicular access in accordance with Regulation 41D of the Building (Planning) Regulations (B(P)R);
 - the Site abuts on a specified street (i.e. Lin Ma Hang Road) of not less than 4.5m wide. Its permitted development intensity shall be determined under the First Schedule of the B(P)R at building plan submission stage;
 - if any existing structure is erected on leased land without the approval of the BA, they are UBW under the BO and should not be designated for any proposed use;

- for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - any temporary shelters or converted containers for storage or office, canteen or other uses are considered as temporary buildings and subject to the control of Part VII of the B(P)R; and
 - detailed checking under the BO will be carried out at building plan submission stage;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (j) to note the comments of the Director of Environmental Protection (DEP) that the applicant should observe the requirements of the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’, implement the relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html) during land filling and to provide suitable sewage treatment facilities as required under Professional Persons Environmental Consultative Committee Practice Notes No. 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department’ and are duly certified by an AP or employ licensed waste collector to regularly collect and properly dispose of the sewage collected in the proposed toilet;
- (k) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and the nearby public road; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains;
- (l) to note the comments of the Project Manager (North), Civil Engineering and Development Department (PM(N), CEDD) that the proposed use is located within the proposed New Territories North (NTN) New Town under the Planning & Engineering (P&E) Study for NTN New Town and Man Kam To. The preliminary development proposal for NTN New Town was released in December 2024. While the implementation programme of NTN New Town is being formulated under the P&E Study, the site formation works will likely commence soon after the completion of detailed design in next stage. Hence, subject to the land use planning in the P&E Study, the proposed use, if approved, may need to be vacated for the site formation works; and
- (m) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that:
- (i) no Food and Environmental Hygiene Department’s (FEHD) facilities should be affected;
 - (ii) proper licence/permit issued by FEHD is required if there is any food business/catering service/activities regulated by DFEH under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public. Under the Food Business Regulation (Cap. 132X), a food business licence is required for the operation of the relevant type of food business listed in the Cap. 132X. For any premises intended to

be used for food business (e.g. a restaurant, a food factory, a fresh provision shop), a food business licence from FEHD in accordance with the Cap. 132 shall be obtained. The application for licence, if acceptable by FEHD, will be referred to relevant government departments such as BD, the Fire Services Department and PlanD for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant(s) for compliance and the licence will be issued upon compliance of all the requirements;

- (iii) depending on the mode of operation, generally there are several types of food business licence/permits that the operator of a convenience store may apply for under the Cap. 132X:
 - if food is sold to customers for consumption on the premises, a restaurant licence should be obtained;
 - if food is only prepared for sale for consumption off the premises, a food factory licence should be obtained;
 - if fresh, chilled or frozen meat is sold, a fresh provision shop licence should be obtained; and
 - if milk, frozen confections, non-bottled drinks, cut fruit etc. are to be sold, relevant restricted food permits should be obtained;
- (iv) when choosing a premises for food business licences, the applicant must ensure that the operation of food business at the Site is in compliance with the requirements imposed under the legislation administered by FEHD, other government departments and the relevant authorities. No part of a food premises shall be located in, under or over any structures built without the approval and consent of the BA. The applicant(s) should satisfy FEHD that their premises applying for a food business licence by (i) free of UBW; (ii) in compliance with Government Lease conditions; and (iii) in compliance with statutory plan restrictions, otherwise FEHD will not process the application for a licence further;
- (v) proper licence issued by FEHD is required if related place of entertainment is involved. Any person who desires to keep or use any place of public entertainment, for example a theatre and cinema or a place, building, erection or structure, whether temporary or permanent, on one occasion or more, capable of accommodating the public presenting or carrying on public opera, ballet, stage performance or other musical, dramatic or theatrical entertainment, cinematograph or laser projection display or an amusement ride and mechanical device which is designed for amusement, a Place of Public Entertainment Licence (or Temporary Place of Public Entertainment Licence) should be obtained from FEHD whatever the general public is admitted with or without payment;
- (vi) there should be no encroachment on the public space and no environmental nuisance should be generated to the surroundings. Its state should not be a nuisance or injurious or dangerous to health and surrounding environment. Also, for any waste generated from such activities/operation, the applicant(s) should arrange disposal properly at their own expenses; and
- (vii) the refuse generated by the proposed use are regarded as trade refuse. The management or owner of the Site is responsible for its removal and disposal at their expenses.

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年04月08日星期三 4:10
收件者: tpbpd/PLAND
主旨: A/NE-MKT/59 DD 90 Lin Ma Hang Road
類別: Internet Email

A/NE-MKT/59

Lot 477 S.A RP in D.D. 90, Lin Ma Hang Road, Man Kam To

Site area: About 181sq.m

Zoning: "Agriculture"

Applied use: Shop and Services / 1 Vehicle Parking / **Filling of Land**

Dear TPB Members,

This is a section of A/NE-MKT/3 application for Open Storage withdrawn.

The remainder of the site has been illegally operated as a Vehicle Repair Workshop and Open Storage since 2023.

Despite the objections of a number of members, the Destroy to Build operation was approved under 49 on review on 12 Dec 2025.

It was quite clear that the operator was essentially looking for cheap land

“the rental for the original Ping Che site was about HK\$60,000 to HK\$70,000 per month, whereas the rental for the Site was about HK\$90,000 per month.”

NOTE THAT THIS SITE IS 2.5 TIMES THE SIZE OF PING CHE

The operator also made a number of unsupported claims about the importance of the role it plays in the tourism sector.

The decision certainly indicates that while the administration talks about locating logistics in MSBs, it is effectively promoting inefficient land use and via its support is encouraging a continuation of the old practice of ad hoc operations instead of concentrating these services in high rise, high tech industrial parks. There is no pressure on operators to invest and upgrade.

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Although the ever accommodating Dir of Planning stated that "*while **this would be the first and the only temporary approval for the applied use** for a period of 3 years in the area, the approval was considered unlikely to set an undesirable precedent*"

It is difficult to see how this application can now be rejected.

Mary Mulvihill

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tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2026年04月02日星期四 16:35
收件者: tpbpd/PLAND
主旨: KFBG's comments on five planning applications
附件: 260402 s16 HTF 1208.pdf; 260402 s16 PN 90.pdf; 260402 s16 TT 775.pdf; 260402 s16 LFS 605.pdf; 260402 s16 MKT 59.pdf
類別: Internet Email

Dear Sir/ Madam,

Attached please see our comments regarding five applications. There are five pdf files attached to this email. If you cannot see/ download/ open these files, please notify us through email.

Please do not disclose our email address.

Thank You and Best Regards,

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

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嘉道理農場暨植物園公司
Kadoorie Farm & Botanic Garden Corporation

The Secretary,
Town Planning Board,
15/F, North Point Government Offices,
333, Java Road, North Point,
Hong Kong.
(Email: tpbpd@pland.gov.hk)

2nd April, 2026.

By email only

Dear Sir/ Madam,

**Proposed Temporary Shop and Services and Associated Filling of Land for a Period
of 3 Years
(A/NE-MKT/59)**

1. We refer to the captioned.
2. We urge the Board to investigate with relevant authorities as to whether the site is involved in any ongoing enforcement cases/ unauthorised uses/ activities; if so, then consider whether it is appropriate to approve this application.
3. We urge the Board to reject this application as it is unlikely to be in line with the planning intention of the Agriculture zone. If the application is to be approved, we urge the Board to consider whether the site (e.g., filled area) should be reinstated upon the expiry of the planning permission; if yes, then consider whether this should be set as an approval condition.
4. Thank you for your attention.

Ecological Advisory Programme
Kadoorie Farm and Botanic Garden

