

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/59

- Applicant** : Mr. CHENG Lap Wang represented by LCH Planning & Development Consultants Limited
- Site** : Lot 477 S.A RP in D.D. 90, Lin Ma Hang Road, Man Kam To, New Territories
- Site Area** : About 181m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Shop and Services and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary shop and services 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 generally hard-paved, fenced-off and currently occupied by storage use without valid planning permission (**Plan A-4**).
- 1.2 The Site is abutting Lin Ma Hang Road to the north (**Plan A-2**). According to the submission, the proposed use consists of three single-storey temporary structures with a total floor area of about 70m² and a building height not exceeding 4m for retail shop¹, ancillary office, storage and toilet. A private car/van-type light goods vehicle parking space (5m (L) x 2.5m (W)) is proposed within the Site. The operation hours of the proposed use are between 8:00 a.m. and 8:00 p.m. from Mondays to Sundays including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 According to the applicant, a 4m-wide ingress/egress is proposed at the western portion of the Site and sufficient space will be provided within the Site for vehicle manoeuvring.

¹ According to the applicant, the retail shop will provide light retail goods (including bottled water, soft drinks and packaged snacks), and offer e-commerce parcel collection and distribution services to support surrounding developments.

A swept path analysis for private car has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ia and Id**), road pumps and traffic signs will be provided at the ingress/egress of the Site to ensure pedestrian safety and prevent illegal parking. On-site staff will be deployed at the entrance to manage the traffic flow during the operation hours. The applicant also applies for filling of land of the entire site with concrete by not more than 0.3m in depth² for site formation purpose (**Drawing A-2**).

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

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|-----|--|------------------------|
| (a) | Application Form received on 13.3.2026 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 16.3.2026 | (Appendix Ib) |
| (d) | Further Information (FI) received on 13.4.2026* | (Appendix Ic) |
| (e) | FI received on 29.4.2026 and 5.5.2026* | (Appendix Id) |

* *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, SPS, SI and FIs at **Appendices I to Id**, as summarised below:

- (a) currently, there are insufficient retail services available in the area. The proposed use is for the provision of retail services to nearby residents, visitors and employment populations to enhance urban-rural integration. A retail demand and supply analysis has been submitted by the applicant to demonstrate that there is a strong and growing demand for retail services;
- (b) there will be a substantial change to the planning context of the Man Kam To area. According to the Northern Metropolis Action Agenda promulgated in 2023, the area will be developed into Boundary Commence and Industry zone. Under the latest preliminary development proposal for the New Territories North New Town, the area falls within the Man Kam To Boundary Mixed Use Area which is proposed for mixed use/residential purposes. As an interim measure, the proposed use could help provide more essential services for the existing local villagers and workers;
- (c) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone. The Site does not fall within the proposed Agricultural Priority Areas, and is not expected to be designated for agricultural use in the future;
- (d) there are a number of similar precedent cases for the same use, such as applications No. A/NE-MKT/47³ and A/NE-LT/776⁴, approved by the Rural and New Town Planning

² According to the applicant, the proposed ground level after filling of land would be +15.2mPD.

³ Application No. A/NE-MKT/47 for proposed temporary shop and services (convenient store) and associated filling of land for a period of three years was approved with conditions by the Committee on 18.7.2025 as mentioned in paragraph 6.1 below.

⁴ Application No. A/NE-LT/776 for temporary shop and services with ancillary office for a period of three years within the “AGR” zone in Lam Tsuen area was approved with conditions by the Committee on 10.1.2025. As the current application is on a different OZP, the planning considerations of the said application are not applicable to the current application.

Committee (the Committee) on the same OZP and in the Northeast New Territories respectively;

- (e) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where workshops, open storages and car parks are commonly found along Lin Ma Hang Road;
- (f) no significant adverse impacts in terms of traffic, visual, landscape, environmental, etc. are anticipated. The applicant 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, the ‘Fire Safety Requirements for Temporary Storage and Structures under Planning Application, Short Term Tenancy and Short Term Waiver’ issued by the Fire Services Department and will comply with the relevant mitigation measures and requirements; and
- (g) the applicant 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 applicant is the sole “current land owner” of the Site. 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 Application

- 6.1 There is a similar application (No. A/NE-MKT/47) for proposed temporary shop and services (convenient store) and associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years, which was approved 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 was no major adverse departmental comments on the application.
- 6.2 Details of the similar application is summarised at **Appendix II** and its location is shown on **Plan A-1**.
- 6.3 There is another similar application (No. A/NE-MKT/55) 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 located to the northwest of the Site across Lin Ma Hang Road within the same “AGR” zone (**Plan A-1**), which will be considered by the Committee at this meeting.

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

7.1 The Site is:

- (a) generally hard-paved, fenced-off and currently occupied by storage use without valid planning permission; and
- (b) abutting Lin Ma Hang Road to the north.

7.2 The surrounding areas are of rural character mainly comprising open storage yard, warehouse, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters. To the immediate south is a site covered by a 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. To the north across Lin Ma Hang Road are the sites with valid planning permissions under applications No. A/NE-MKT/37, 39 and 53⁵ for temporary hobby farm or warehouse uses. To the further south and northeast of the Site are densely vegetated knolls zoned “Green Belt”, which are permitted burial grounds for indigenous villagers.

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 Departments

- 9.1 Apart from the government departments 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 III** and **IV** respectively.
- 9.2 The following government departments object to/do not support to the application.

Land Administration

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

- (a) he objects to the application;

⁵ The concerned site is also the subject of an on-going planning application (No. A/NE-MKT/61) for proposed temporary warehouse (storage of construction materials), which will also be considered by the Committee at this meeting.

- (b) the Site comprises 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 Government Land (GL) but no right of access via GL is granted to the Site;
- (c) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office objects 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**.

Agriculture

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

- (a) as the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and
- (b) the Site falls within the “AGR” zone is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

9.3 The following government departments have provided views/conveyed local views on the application.

Traffic

9.3.1 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**.

Local Views

9.3.2 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

the Indigenous Inhabitant Representative and Resident Representative of Muk Wu object to the application on the grounds that the proposed use would induce adverse traffic and ecological impacts on the surrounding areas, as well as pose environmental nuisances to nearby residents (**Appendix IIIa**).

10. Public Comments Received During Statutory Publication Period

On 20.3.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix V**). Kadoorie Farm and Botanic Garden Corporation objects to the application for the reason that the proposed use is not in line with the planning intention of the “AGR” zone, and further suggesting that the Site should be reinstated upon the expiry of the planning permission should the application be approved. Another individual expresses that the Site was previously subject to a withdrawn application for open storage use, and points out that the adjoining site to the immediate south (application No. A/NE-MKT/49) was approved for vehicle repair workshop and open storage uses by the Board on review in 2025, which has set an undesirable precedent for similar uses in the area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary shop and services 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 use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation, the applicant advises that the proposed use is to serve the nearby local villagers and workers. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.
- 11.2 The application involves filling of land of the entire site with concrete by not more than 0.3m in depth 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 the Director of Environmental Protection 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, abutting Lin Ma Hang Road to the north, is located in an area of rural character mainly comprising open storage yard, warehouses, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters (**Plans A-2 to A-4**). To the south is a site covered by a valid planning permission for temporary vehicle repair workshop and open storage of vehicles (coaches only) with ancillary facilities with validity up to 12.12.2028 (**Plan A-2**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that tree felling is not involved, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services 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 applicant 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 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.

- 11.5 There is an approved similar application (No. A/NE-MKT/47) for proposed temporary shop and services (convenient store) and associated filling of land within the same "AGR" zone in the vicinity of the Site in the past five years (**Plan A-1**) as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to the approved similar application. Approval of the current application is in line with the Committee's previous decision.
- 11.6 Regarding the local views conveyed by DO(N), HAD and the public comments mentioned in paragraphs 9.3.2 and 10 above respectively, 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 local views conveyed by DO(N), HAD and the public comments in paragraphs 9.3.2 and 10 above respectively, 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 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 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 8.2.2027;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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;
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (j) 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 use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form received on 13.3.2026
Appendix Ia	SPS
Appendix Ib	SI received on 16.3.2026

Appendix Ic	FI received on 13.4.2026
Appendix Id	FI received on 29.4.2026 and 5.5.2026
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IIIa	Local Views Conveyed by HAD
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
MAY 2026**