

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/61

- Applicant** : Mega Pass Steel Company Limited represented by Allgain Land Planning Limited
- Site** : Lots 467 S.A (Part) and 468 in D.D. 90, Lin Ma Hang Road, Man Kam To, New Territories
- Site Area** : About 1,500m²
- 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 Warehouse (Storage of Construction Materials) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (storage of construction materials) 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 formed, fenced-off, and occupied by some scattered temporary structures (**Plan A-4**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of a brownfield operation at the original site in Ha Tsuen affected by Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA), which has been resumed by the Government. The affected operation involves a site area of about 2,600m² and a total floor area of 465m² as claimed by the applicant.
- 1.3 The Site is abutting Lin Ma Hang Road to the immediate southeast (**Plan A-2**). According to the submission, the proposed use consists of five one-to-two-storey structures with a total floor area of not more than 360m² and a building height not exceeding 7m for a warehouse, office, reception, parking shelter and toilet. Two private car parking spaces (5m (L) x 2.5m (W) each) for staff and one light goods vehicle (LGV) loading/unloading (L/UL) space (7m (L) x 3.5m (W)) are proposed within the Site. No parking space is available for visitors at the Site. The operation hours of the proposed use are between

9:00 a.m. and 5:00 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**.

- 1.4 According to the applicant, a 5m-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 swept path analysis for private cars has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ia and Ic**), an advance booking of parking and L/UL spaces will be required, and traffic signs, flashing lights and alarm system will be provided at the ingress/egress to ensure pedestrian safety. 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 0.2m in depth¹ for site formation purpose (**Drawing A-2**).
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|---|----------------------|
| (a) | Application Form with attachments received on 20.3.2026 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 23.3.2026 | (Appendix Ib) |
| (d) | Further Information (FI) received on 28.4.2026* | (Appendix Ic) |

* *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 FI at **Appendices I to Ic**, as summarised below:

- (a) the proposed use is to facilitate the relocation of a brownfield operation (i.e. storage of construction materials) affected by HSK/HT NDA. The applicant wishes to relocate the business to the Site to continue the business operation. The proposal could also meet the industry's demand for land for storage use;
- (b) the applicant has conducted site search process to identify suitable site for the relocation of the affected operation and the Site is considered most suitable for relocation;
- (c) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where warehouses are commonly found along Lin Ma Hang Road;
- (d) the proposed use is 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 Rural and New Town Planning Committee (the Committee) in the same "AGR" zone; and
- (f) no significant adverse impacts in terms of environmental, traffic, landscape, drainage, etc. are anticipated.

¹ According to the applicant, the proposed ground level after filling of land would be +14.4mPD.

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 notices 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

- 5.1 The Site is the subject of a previous application (No. A/NE-MKT/53) submitted by a different applicant for proposed temporary place of recreation, sports or culture (hobby farm) with associated filling of land for a period of three years, which was approved with conditions by the Committee on 21.11.2025 with validity up to 21.11.2028. The planning considerations are not relevant to the current application which is for a different use.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are 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 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)² for proposed warehouses were approved by the Committee between July 2024 and February 2026 mainly on the considerations that the application was to facilitate relocation of business operations affected by government projects (i.e. Kwu Tung North/Fanling North, Yuen Long South and HSK/HT NDAs) and the Secretary for Development (SDEV) rendered policy support to the application; there was no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses.
- 6.3 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

² 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 services installations proposal, and/or traffic management measures.

similar applications (No. A/NE-MKT/56) for proposed temporary warehouse as mentioned in paragraph 6.2 above.

- 6.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 6.5 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 southwest of the Site 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 formed, fenced-off, and occupied by some scattered temporary structures; and
 - (b) abutting Lin Ma Hang Road to the immediate southeast.
- 7.2 The surrounding areas are of rural character mainly comprising warehouses, temporary domestic structures, vehicle repair workshop, vegetated areas and tree clusters. To the immediate north and southwest are two sites with valid planning permissions under applications No. A/NE-MKT/39 and 37 for temporary warehouse for storage of construction materials and food provisions respectively. To the south and further south across Lin Ma Hang Road are a site subject to an on-going planning application (No. A/NE-MKT/59) for proposed temporary shop and services which will be considered by the Committee at this meeting, and a site with 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 further northeast is the village proper of Muk Wu Nga Yiu zoned “Village Type Development”.

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 Bureau/Departments

- 9.1 Apart from the government bureau/department 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 IV** and **V** respectively.

9.2 The following government bureau supports the application.

Policy Aspect

Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation of storage previously located at Ha Tsuen, which has been affected by the Second Phase development of HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying suitable site for re-establishment of the business elsewhere, and the Site under the current application is the most suitable relocation site. The site area under the current application is smaller than 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.

9.3 The following government department does not support the application.

Agriculture

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

- (a) as the Site processes potential for agricultural rehabilitation, the proposed use is not supported from 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.

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

Traffic

9.4.1 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 applicant 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 V**.

Local Views

9.4.2 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 safety risks and environmental nuisances to nearby residents (**Appendix IVa**).

10. Public Comment Received During Statutory Publication Period

On 27.3.2026, the application was published for public inspection. During the statutory public inspection period, one public comment was received from an individual (**Appendix VI**), objecting to the application mainly on the grounds that the previous approval for a hobby farm was intended to facilitate the current warehouse use; and approval of the application would set an undesirable precedent in the area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (storage of construction materials) and associated filling of land for a period of three years at the Site which is zoned “AGR” on the OZP (**Plan A-1**). 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 possess potential for agricultural rehabilitation. Nevertheless, SDEV advises that the application is submitted to facilitate the relocation of a brownfield operation affected by HSK/HT NDA, and the Site is identified by the applicant 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 SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 11.2 The applicant applies for filling of land of the entire site with concrete by not more than 0.2m 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 immediate southeast, is located in an area of rural character mainly comprising warehouses, temporary domestic structures, vehicle repair workshop, vegetated areas and tree clusters. A warehouse with valid planning permission under application No. A/NE-MKT/39 is located to the immediate north of the

Site (**Plans A-2 and A-3**). The proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and advises that significant adverse impact arising from the proposed use is not anticipated.

- 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 V** respectively. Should the application be approved, the applicant will also be advised to follow the requirements in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and implement the relevant mitigation measures to minimise any possible environmental nuisance.
- 11.5 There are 11 similar applications for temporary warehouses 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**). In particular, all seven approved applications 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. 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 local views conveyed by DO(N), HAD and the public comment mentioned in paragraphs 9.4.2 and 10 above respectively, the government bureau/departments' comments and planning assessments above are relevant. In addition, each application will be considered on its own merits.

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 9.4.2 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 V**.

- 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 with attachments received on 20.3.2026
Appendix Ia	SPS
Appendix Ib	SI received on 23.3.2026
Appendix Ic	FI received on 28.4.2026
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix IVa	Local Views Conveyed by HAD
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comment
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**