

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-TKL/836**

- Applicant** : Post Tree Lifestyle Limited represented by Mr. PANG Hing Yeun
- Site** : Various Lots in D.D. 82, Lei Uk, Ta Kwu Ling
- Site Area** : About 1,565.12m<sup>2</sup>
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)  
No. S/NE-TKL/14
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Timber and Ancillary Workshop with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of timber and ancillary workshop with ancillary facilities 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 largely fenced-off, partly hard-paved and being used as the applied use without valid planning permission.
- 1.2 The Site is accessible via a local access road leading to Ping Che Road (**Plan A-1**). According to the applicant, the applied use involves about 892.17m<sup>2</sup> or 57% of the Site for open storage use and four single-storey container structures of not more than 2.6m in height with a total floor area of about 56.12m<sup>2</sup> for site office, storage and ancillary workshop. No dangerous goods will be stored at the Site and workshop activities will take place within the enclosed structures. Four parking spaces for private cars (2.5m (W) x 5m (L) each) and two parking spaces for light goods vehicles (LGVs) (3.5m (W) x 7.5m (L) each) will be provided within the Site. Regular activities, which require prior reservation, will be organised to raise the awareness of timber recycling for the public. The applicant also applies for regularisation of filling of land at part of the Site (about 832.4m<sup>2</sup> or 53.2% of the Site) with concrete of about 0.2m in depth (i.e. the current site level is about +11.3mPD). No further filling of land will be carried out at the Site. The applicant proposes traffic management measures including deploying staff to manage

vehicles entering/exiting the Site and erecting warning signs and alarms at the entrance for pedestrian safety. The operation hours are between 10:00 a.m. and 4:30 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

1.3 The Site is the subject of a previous application No. A/NE-TKL/786 for proposed temporary open storage of construction materials submitted by a different applicant. The application was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three years on 24.1.2025. The planning approval was subsequently revoked on 24.1.2026 due to non-compliance with approval conditions. Details of the previous application are set out in paragraph 6.1 below. Compared with the last application, the current application involves change in layout and reduction of number of parking spaces of LGVs (-2/-50%).

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

- |  |                      |
|--|----------------------|
| (a) Application Form with attachment received on 24.3.2026 | <b>(Appendix I)</b>  |
| (b) Supplementary Information (SI) received on 26.3.2026   | <b>(Appendix Ia)</b> |
| (c) Further Information (FI) received on 8.5.2026*         | <b>(Appendix Ib)</b> |
| (d) FI received on 18.5.2026*                              | <b>(Appendix Ic)</b> |

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

- (a) the applied use could help recycle the felled trees and support the recycling industry;
- (b) as there is insufficient land for open storage and warehouse uses in the area, it is difficult to find a suitable site for the applied use. The Site is considered suitable for the applied use as it is at a distance from Lei Uk and is accessible to Hung Lung Hang where a lot of open storage yards and warehouses are located;
- (c) the Site is the subject of a previously approved application No. A/NE-TKL/786 for temporary open storage use. As the lot owner had decided to submit a fresh application for the applied use, submission for compliance with the approval conditions under the previous approval was not proceeded, resulting in revocation of the planning approval; and
- (d) adverse traffic and environment impacts are not envisaged. Small low-volume cutting machines will be used in the Site for workshop activities, hence adverse noise impact is not anticipated. Upon obtaining planning approval, the applicant will submit application for Short Term Waiver (STW) to the Lands Department (LandsD).

## **3. Compliance with the “Owner’s Consent/Notification” Requirements**

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification”

Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by obtaining consents of the “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

#### **4. Town Planning Board Guidelines**

The Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G) promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 2 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

#### **5. Background**

5.1 Recent site inspection revealed that some construction materials and miscellaneous items were observed at the Site. Warning poster was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions if there is sufficient evidence to prove an “unauthorized development” (UD) under the Town Planning Ordinance.

5.2 The Site partly falls within a previous enforcement case No. E/NE-TKL/469 regarding unauthorized recreation use (including use for holiday camp) with Enforcement Notice issued on 6.4.2023 requiring the discontinuation of the UD. As the UD was later found discontinued, Compliance Notice was issued to the relevant registered owner on 15.9.2023.

#### **6. Previous Application**

6.1 The Site is the subject of a previous application No. A/NE-TKL/786 for proposed temporary open storage of construction materials submitted by a different applicant. The application was approved with conditions by the Committee for a period of three years on 24.1.2025 mainly on the considerations that the application generally complied with the TPB-PG No. 13G in that there were no major adverse departmental comments and concerns of the relevant government departments could be addressed through imposition of approval conditions; and there were similar approvals in the same “AGR” zone in the vicinity of the Site. The planning permission was subsequently revoked on 24.1.2026 due to non-compliance with the approval conditions relating to the submission and implementation of drainage and fire service installations proposals.

6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

#### **7. Similar Applications**

7.1 There are 19 similar applications (No. A/NE-TKL/671, 690, 695, 707, 714, 724, 734, 743, 745, 746, 758, 761, 763, 805, 806, 807, 815, 821 and 833) involving 14 sites for temporary open storage use for a period of three years within the “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). 18 of these applications falling within the Category 2 areas under TPB PG-No. 13F/13G were approved with conditions by the Committee between 2021 and 2026 mainly on the considerations that the application generally

complied with the relevant TPB Guidelines; and there were no major adverse departmental comments and concerns of the relevant government departments could be addressed through imposition of approval conditions.

- 7.2 The remaining application No. A/NE-TKL/690 which fell within the Category 3 areas under the then TPB PG-No.13F was rejected by the Committee on 14.1.2022 mainly on the grounds that there was no strong justification for a departure from the planning intention; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas. The site was subsequently reclassified as Category 2 areas and covered by one of the approved similar applications (i.e. No. A/NE-TKL/743) for temporary open storage use as mentioned in paragraph 7.1 above.
- 7.3 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) largely fenced-off, partly hard-paved and being used as the applied use without valid planning permission; and
  - (b) accessible via a local access road leading to Ping Che Road.
- 8.2 The surrounding areas are of rural character comprising mainly storage uses, a warehouse, active/fallow agricultural land, vacant land and domestic structures. Three “Green Belt” zones are located to the west, east and further southeast respectively. The “Village Type Development” zone of Lei Uk is located to the north.

## **9. Planning Intention**

- 9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 9.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

## **10. Comments from Relevant Government Departments**

- 10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 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 V** and **VI** respectively.

10.2 The following government departments object to or do not support the application:

**Land Administration**

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

- (a) he objects to 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. 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) the following irregularity covered by the planning application have been detected by his office:

unauthorised structures within Lots 600 S.D, 601 S.A, 601 S.B, 601 S.C and 601 S.H all in D.D. 82 covered by the planning application

there are unauthorised structures on Lots 600 S.D, 601 S.A, 601 S.B, 601 S.C and 601 S.H all in D.D. 82. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

LandsD has reservation on the planning application since there are unauthorised structures on Lots 600 S.C, 601 S.A and 601 S.B all in D.D. 82 which are already subject to lease enforcement actions according to case priority. The lot owners should rectify the lease breaches as demanded by LandsD;

- (d) the following irregularity not covered by the planning application have been detected by his office:

unauthorised structures within Lots 598 and 600 S.B both in D.D. 82 not covered by the planning application

there are unauthorised structures on Lots 600 S.D, 601 S.A, 601 S.B, 601 S.C and 601 S.H all in DD. 82 extended from Lots 598 and 600 S.B both in DD. 82 which are not covered by the planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) erection of unauthorised structures should not be encouraged. The lot owner(s) should remove all the unauthorised structures immediately;
- (f) the lot owners/applicant shall either (i) remove the unauthorised structures not covered by the planning application immediately; or (ii) include the unauthorised structures in the planning application for the further consideration by the relevant departments and, subject to the

approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a STW to permit the structures 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 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

- (g) his advisory comments are at **Appendix VI**.

### **Agriculture**

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

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

10.3 The following government department provides views on the application:

### **Traffic**

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

- (a) no comment on the application;
- (b) considering the road safety and road management, it is suggested to impose the approval conditions on the implementation and maintenance of traffic management measures; and
- (c) her advisory comments are at **Appendix IV**.

## **11. Public Comments Received During Statutory Publication Period**

On 31.3.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VII**). One comment from an individual objects to the application mainly on the grounds that the applied use should be located on a site with appropriate zoning in order to avoid causing cumulative negative impact on agricultural land; and whether enforcement action was taken for land filling at the Site should be questioned. The remaining comment from a member of the North District Council indicates

no comment on the application.

## **12. Planning Considerations and Assessments**

- 12.1 The application is for proposed temporary open storage of timber and ancillary workshop with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 12.2 The application involves regularisation of filling of land at part of the Site (about 832.4m<sup>2</sup> or 53.2% of the Site) with concrete of about 0.2m in depth. Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental planning perspectives respectively. Also, as the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 12.3 The Site is located in an area of rural character comprising mainly storage uses, a warehouse, active/fallow agricultural land, vacant land and domestic structures. The applied use is considered not entirely incompatible with the surrounding land uses.
- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with TPB PG-No. 13G in that relevant departments consulted have no objection to or no adverse comment on the application. While C for T has no comment on the application, she recommends imposing approval conditions on implementation and maintenance of traffic management measures considering road safety and road management. To address the technical requirements of other concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will also be advised to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise any potential environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within/outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Site is the subject of a previous approved application submitted by a different applicant for open storage use as detailed in paragraph 6.1 above. The current application involves a change in layout and slight reduction in parking space of LGVs. There are 19 similar applications for temporary open storage use within the “AGR” zone in the vicinity of the Site in the past five years. 18 of them falling within the Category 2 areas under TPB PG-No. 13F/13G were all approved with conditions by the Committee between 2021 and 2026 as mentioned in paragraph 7.1 above. The planning circumstances of the current application are largely similar to those of the approved previous and similar applications. Approval of the current application is in line with the Committee’s previous decisions.

12.6 Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and planning assessments above are relevant.

### 13. Planning Department's Views

13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 22.5.2029. 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 22.11.2026;
- (b) in relation to (a) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 22.2.2027;
- (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 22.11.2026;
- (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 22.2.2027;
- (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 22.2.2027;
- (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 expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction

of the Director of Planning or of the Town Planning Board.

### Advisory Clauses

The Recommended Advisory Clauses are at **Appendix VI**.

- 13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

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

## **14. Decision Sought**

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

## **15. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 24.3.2026
<b>Appendix Ia</b>	FI received on 26.3.2026
<b>Appendix Ib</b>	FI received on 8.5.2026
<b>Appendix Ic</b>	FI received on 18.5.2026
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Application
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos