

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/62

- Applicant** : C&L Professional Services Limited represented by Mr. PANG Hing Yeun
- Site** : Lot 580 in D.D. 90, Lin Ma Hang Road, Ta Kwu Ling, New Territories
- Site Area** : About 473m²
- 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) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (storage of construction materials) 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 covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved¹, fenced-off, largely vacant and occupied by some temporary structures (**Plans A-4a to A-4c**).
- 1.2 The Site is abutting Lin Ma Hang Road to the east (**Plan A-2**). According to the submission, the proposed use consists of one single-storey structure with a total floor area of about 186m² and a building height of about 5.2m for a warehouse. One private car parking space (5m (L) x 2.5m (W)) and one light goods vehicle (LGV) parking space (7m (L) x 3.5m (W)) are proposed within the Site. No heavy vehicle is involved in the proposed use. The operation hours of the proposed use are between 10:00 a.m. and 4:30 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No workshop activities will be carried out at the Site. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 According to the applicant, a 7m-wide ingress/egress is proposed at the east of the Site

¹ According to record, the Site zoned “AGR” has been formed and hard-paved before the date of the first publication in the Gazette of the notice of the draft Man Kam To Development Permission Area (DPA) Plan No. DPA/NE-MKT/1 on 30.7.2010 (**Plan A-3b**).

and sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis for LGV has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices I and Ia**), an advance booking of parking spaces will be required to prevent illegal parking; and traffic signs will be provided at the ingress/egress to ensure pedestrian safety; and on-site staff will be deployed at the ingress/egress to manage the traffic flow during operation hours.

- 1.4 The Site is the subject of a previous application (No. A/NE-MKT/29) (**Plans A-1 and A-2**) submitted by the same applicant for the same use, which was rejected by the Rural and New Town Planning Committee (the Committee) on 10.11.2023, as detailed in paragraph 5 below. Compared with the previous application, the current application mainly involves an increase in total floor area by about 55% (i.e. from 120m² to 186m²), and a change of loading/unloading provision from two LGVs and one medium goods vehicle to one LGV.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 10.4.2026 (**Appendix I**)
 - (b) Further Information (FI) received on 14.5.2026* (**Appendix Ia**)

* *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 and FI at **Appendices I and Ia**, as summarised below:

- (a) the proposed use could meet the surging demand for land for storage of construction materials, which is necessary to support various development projects in the Northern Metropolis. The Site is also suitable for temporary storage use in view of its close proximity to Lin Ma Hang Road;
- (b) the proposed use involves only the storage of small-scale construction materials, such as iron frames, timber, plastic pipes and tiles;
- (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) there are similar precedent cases (applications No. A/NE-MKT/34, 35, 37 and 40) approved by the Committee in the same “AGR” zone; and
- (e) no significant adverse impacts in terms of environmental, traffic, landscape, drainage, etc. are anticipated.

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**

- 4.1 The Site is currently not subject to any active enforcement action.
- 4.2 The Site was subject to planning enforcement action against unauthorized development (UD) involving intensification of storage use (enforcement case No. E/NE-MKT/38) (**Plan A-2**). An Enforcement Notice (EN) requiring the discontinuation of the UD was issued on 14.4.2023. Since the UD was not discontinued upon expiry of the EN, prosecution action was taken. Subsequent site inspections revealed that the UD has been discontinued upon expiry of the EN. Compliance Notice was issued on 11.11.2024.

5. **Previous Application**

- 5.1 The majority of the Site is the subject of a previous application (No. A/NE-MKT/29) for proposed temporary warehouse for storage of engineering tools and equipment submitted by the same applicant, which was rejected by the Committee on 10.11.2023, 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 environmental impact on the surrounding areas. In particular, the Director of Environmental Protection (DEP) did not support the application from environmental perspective since there were sensitive receivers in the vicinity of the Site and the proposed use involved the use of heavy vehicles.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-2**.

6. **Similar Applications**

- 6.1 There are 12 similar applications (No. A/NE-MKT/25, 26, 31, 34, 35, 37, 39, 40, 46, 55, 56 and 61) 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, nine applications (No. A/NE-MKT/34, 35, 37, 39, 40, 46, 55, 56 and 61)² for proposed warehouses were approved by the Committee between July 2024 and May 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 Hung Shui Kiu/Ha Tsuen New Development Areas) and the Secretary for Development 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 three applications (No. A/NE-MKT/25, 26 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

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.

application No. A/NE-MKT/25, the site was subsequently covered by one of the approved similar applications (No. A/NE-MKT/56) for proposed temporary warehouse as mentioned in paragraph 6.2 above.

- 6.4 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/63) for proposed temporary warehouse (storage of construction materials) with ancillary office and associated filling of land for a period of three years, located further to the northeast 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-4c)

- 7.1 The Site is:
- (a) hard-paved, fenced-off, largely vacant and occupied by some temporary structures; and
 - (b) abutting Lin Ma Hang Road to the east.
- 7.2 The surrounding areas are of rural character mainly comprising warehouses, storage, temporary domestic structures, vegetated areas and tree clusters. There are a number of warehouses covered with valid planning permissions along Lin Ma Hang Road. To the further west of the Site is a densely vegetated knoll zoned “Green Belt”, which is a permitted burial ground for indigenous villagers. To the northeast across Lin Ma Hang Road is the Hong Kong Seeing Eye Dog Training School zoned “Government, Institution or Community”.

8. Planning Intention

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. 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 IV** and **V** respectively.
- 9.2 The following government departments object to/do not support the application.

Land Administration

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

- (a) he objects to the application;
- (b) the Site comprises an 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 structure(s) are duly rectified by the lot owner(s)/applicant or entirely included in the subject planning application, it should be taken as his office's objection 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 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. 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.

9.3 The following government department provides view on the application.

Traffic

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

- (a) she has no adverse comment on the application from traffic engineering perspective;
- (b) after taking into consideration the location of the Site and the traffic conditions on Lin Ma Hang Road, should the application be approved, conditions should be included requesting 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 IV**.

10. Public Comments Received During Statutory Publication Period

On 17.4.2026, the application was published for public inspection. During the statutory public inspection period, six public comments were received (**Appendix VI**). Amongst them, five comments from the Indigenous Inhabitant Representative and Resident Representative of Muk Wu, Kadoorie Farm and Botanic Garden, World Wide Fund For Nature Hong Kong and an individual object to the application mainly on the grounds that the Site is in close proximity to

residential dwellings in Muk Wu; the proposed use is not in line with the planning intention of the “AGR” zone; the proposed use will cause adverse traffic, drainage, fire safety and ecological impacts on the surrounding areas, as well as pose risks to pedestrian safety and induce environmental nuisance to nearby residents; and the Site is the subject of suspected unauthorized development and a previously rejected application. The remaining public comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (storage of construction materials) 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, 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 Site, abutting Lin Ma Hang Road to the east, is located in an area of rural character mainly comprising warehouses, storage, temporary domestic structures, vegetated areas and tree clusters (**Plans A-2 and A-3a**). The Site has been formed, hard-paved and partly occupied by some containers before the date of the first publication in the Gazette of the notice of the draft Man Kam To DPA Plan No. DPA/NE-MKT/1 on 30.7.2010 (**Plan A-3b**). The proposed use is considered not entirely incompatible with the surrounding land uses and no distinctive landscape resources and/or mature trees are observed within the Site.
- 11.3 DEP has no objection to the application from environmental planning perspective since no heavy vehicle nor dusty operation is involved, and advises that the applicant should 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. 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. Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. 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. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 The Site is the subject of a previous application (No. A/NE-MKT/29) for the same use submitted by the same applicant (**Plans A-1 and A-2**), which was rejected by the Committee on 10.11.2023 as detailed in paragraph 5.1. Compared with the previous application, the applicant has addressed departmental concerns on environmental aspect by not using heavy vehicles for the proposed use; and there are also no adverse comments from other concerned government departments on technical aspects. Furthermore, there are nine similar applications approved by the Committee in the vicinity of the Site (**Plan A-1**) since the rejection of the previous application in 2023 as detailed in paragraph 6.2

above. Approval of the current application is generally in line with the Committee's previous decisions.

- 11.5 Regarding the public comments mentioned in paragraph 10 above, 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 public comments in paragraph 10 above, the Planning Department 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 5.6.2029. 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 5.12.2026;
- (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 5.3.2027;
- (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 5.12.2026;
- (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 5.3.2027;
- (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 5.3.2027;
- (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 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 10.4.2026
Appendix Ia	FI received on 14.5.2026
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a to A-4c	Site Photos