

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/123

- Applicant** : Wong Kee Engineering Limited represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 1357 S.B RP (Part), 1360 RP, 1361 RP in D.D. 78 and Adjoining Government Land (GL), Lin Ma Hang Road, Ta Kwu Ling North
- Site Area** : About 8,250m² (including GL of about 1,574m² or 19.1% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
- Zoning** : “Recreation” (“REC”)
- Application** : Proposed Temporary Open Storage and Warehouse for Storage of Construction Materials and Machineries and Rural Workshop with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage and warehouse for storage of construction materials and machineries and rural workshop with ancillary facilities for a period of three years at the application site (the Site) falling within an area zoned “REC” 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 requires planning permission from the Town Planning Board (the Board). The Site is vacant with a minor portion for farming activities.
- 1.2 According to the applicant, he is appointed by Double Industries Co. (得寶實業公司)¹ to submit the current application to facilitate the relocation of the business operation in Ha Tsuen affected by government project, i.e. the development of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). The affected operation involves a site area of about 11,371m². The affected site has already been vacated in March 2026.
- 1.3 The Site is accessible via Lin Ma Hang Road (**Plan A-2**). According to the applicant, the proposed uses comprise (i) open storage areas of about 2,626m² or 32% of the Site for storage of construction materials and machineries (maximum stacking height of not more than 4m); (ii) uncovered area of about 300m² or 3.6% of the Site for a rural workshop for reinforcement bending of steel bars; and (iii) six one to two-storeys structures with not more than 3m to 13m in height and a total floor area of about 765m² for warehouses storing construction materials, a site office, a meter room and a toilet. The remaining

¹ According to the applicant, Double Industries Co. will be the operator at the Site upon obtaining planning approval.

open area will be used for accommodating four parking spaces for private cars (2.5m (W) x 5m (L) each), four loading and unloading (L/UL) spaces (two for medium goods vehicles (3.5m (W) x 11m (L) each) and two for container vehicles (3.5m (W) x 16m (L) each)) and vehicle manoeuvring spaces. No dangerous goods will be stored at the Site. A septic tank will be installed to treat the sewage generated from the Site. A 2.5m high corrugated metal sheets will be erected along the boundary of the Site. The operation hours of the proposed uses are between 8:00 a.m. and 7:00 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 The applicant proposes traffic management measures including requiring prior appointment for vehicles entering the Site, installations of revolving lanterns and traffic signs, and deployment of staff to manage traffic flow and ensure pedestrian safety. To minimise potential environmental nuisance to the surrounding areas, mitigation measures such as locating the rural workshop away from nearby residential buildings are proposed. The applicant also submits drainage and fire service installations (FSIs) proposals (**Drawings A-2** and **A-3** respectively) in support of the application.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form with Attachments received on 6.3.2026 **(Appendix I)**
 - (b) Supplementary Information (SI) received on 12.3.2026 **(Appendix Ia)**
 - (c) Further Information (FI) received on 8.4.2026* **(Appendix Ib)**
 - (d) FI received on 24.4.2026* **(Appendix Ic)**
 - (e) FI received on 29.4.2026* **(Appendix Id)**

**accepted and exempted from the publication and recounting requirements*
- 1.6 On 17.4.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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

- (a) the application is submitted to facilitate the relocation of business operation for open storage and warehouse storing construction materials and machineries and a rural workshop affected by HSK/HT NDA. The applicant has spent efforts in identifying suitable sites for relocation in Kwu Tung, Hung Lung Hang, Sha Tau Kok and Mai Po areas, but they were considered not suitable due to various reasons such as limited site area, accessibility and incompatibility with surrounding environment. The Site is considered suitable for relocation as it is flat and vacant, directly accessible to Lin Ma Hang Road, and the size meets the operational needs;
- (b) the proposed uses provide an interim solution that optimises land utilisation. The proposed uses are temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (c) there are approved applications for similar uses within the same “REC” zone. There are scattered temporary structures and warehouses in the surroundings. The proposed uses are not incompatible with the surrounding environment. Approval of the application would not result in any interface problems with the surrounding areas;

- (d) the proposed uses would generate minimal volume of traffic. Drainage facilities will be provided within the Site to collect and discharge surface run-off. Also, the applicant will adhere to the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') and will implement environmental/noise mitigation measures. The applicant will follow the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department - Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations' to prevent water pollution. Hence, significant adverse traffic, drainage and environmental impacts are not anticipated; and
- (e) the applicant will apply for a Short Term Waiver (STW) for the proposed structures and a Short Term Tenancy (STT) for the use of GL to the Lands Department (LandsD) upon obtaining planning approval.

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 publishing newspaper notice and posting site notice. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the 'Owner's Consent/Notification' Requirements under TPB PG-No. 31B are not applicable.

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 3 areas under TPB PG-No. 13G. Relevant extracts of TPB PG-No. 13G are attached at **Appendix II**.

5. Background

The Site is currently not subject to any active planning enforcement action.

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Applications

7.1 There are seven similar applications (No. A/NE-TKLN/47, 77, 85, 86, 93, 114 and 116) involving five sites for temporary open storage and/or warehouse with/without other uses for a period of three years falling within the same "REC" zone in the vicinity of the Site in the past five years. Among them, six applications (No. A/NE-TKLN/77, 85, 86, 93, 114 and 116) for temporary open storage and/or warehouse with/without other uses were approved with conditions by the Committee between 2024 and 2026 mainly on the considerations that there were no major adverse departmental comments or concerns of relevant government departments could be addressed through imposition of approval conditions; and policy support from the Secretary for Development (SDEV) was obtained

as the application was to facilitate relocation of business operation affected by government project (except application No. A/NE-TKLN/93).

- 7.2 The remaining application No. A/NE-TKLN/47 for temporary open storage of construction equipment and materials was rejected by the Committee on 9.9.2022 mainly on the grounds that there was no strong planning justification for a departure from the planning intention; and the applicant failed to demonstrate that the proposed use would not generate adverse traffic and landscape impacts on the surrounding areas. The site was subsequently covered by approved applications for temporary warehouse with other uses involving a larger site (No. A/NE-TKLN/77 and 116) as mentioned in paragraph 7.1 above.
- 7.3 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

- (a) vacant with a minor portion for farming activities; and
- (b) accessible via Lin Ma Hang Road.

8.2 The surrounding areas are of rural character mainly comprising warehouses, active farmlands, domestic structures (the nearest to the immediate east) and vacant land.

9. Planning Intention

The planning intention of the “REC” zone is primarily for low-density recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the low-density recreational developments may be permitted subject to planning permission.

10. Comments from Relevant Government Bureau/Departments

10.1 Apart from the government bureau and departments as set out in paragraphs 10.2 to 10.4 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.

10.2 The following government bureau supports the application:

Policy Aspect

10.2.1 Comments of SDEV:

- (a) the application is to facilitate the relocation of a brownfield operation providing warehouse, open storage and rural workshop which was previously situated in Ha Tsuen. The brownfield operation 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 is the most suitable relocation site. The Site is smaller than the area of 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 policy perspective.

10.3 The following government departments have adverse comment on or does not support the application:

Land Administration

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

- (a) he has adverse comment on the application;
- (b) the Site comprises GL and 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 GL but no right of access via GL is granted to the Site;
- (c) no consent is given for inclusion of GL (about 1,574m²) as mentioned in the Application Form in the Site;
- (d) the following irregularities not covered by the planning application have been detected by his office:

unauthorised structure(s) within Lot 1357 S.B RP in D.D. 78 not covered by the planning application

LandsD has reservation on the planning application since there are unauthorised structures on the 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;

- (e) erection of unauthorised structures should not be encouraged. The lot owner(s) should remove all the unauthorised structures immediately; and
- (f) the lot owners(s)/applicant shall either (i) remove the unauthorised structure(s) not covered by the planning application immediately; or (ii) include the unauthorised structure(s) 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 and STT to permit the structure(s) erected and the occupation of the GL. The application(s) for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will

be in whole lot basis and the STW/STT, if approved, will be subject to such terms and conditions including the payment of waiver fee/rent 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.

Environment

10.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) he does not support the application from environmental perspective, noting that the proposed uses will cause traffic of heavy vehicles in its operation and the site boundary is within 100m from the nearest residential building;
- (b) no environmental complaint against the Site was received over the past three years; and
- (c) his advisory comments are at **Appendix V**.

10.4 The following government department provides views on the application:

Traffic

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

- (a) she has no comment on the application;
- (b) taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road, should the application be approved, an approval condition on implementation of the traffic management measures, as proposed by the applicant, should be included. Also, the implemented traffic management measures should be maintained at all times during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 13.3.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the Village Representative of Chuk Yuen and an individual objecting to the application mainly on the grounds that the proposed uses would induce adverse impacts on traffic and pedestrian safety; the Site falls within the proposed boundary of the Priority Development Area (PDA) in the New Territories North (NTN) New Town and may have land resumption implication; the Site is not located in Category 2 areas under TPB PG-No. 13G; and open storage and low-rise warehouses are inefficient land uses (**Appendix VI**).

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage and warehouse for storage of construction materials and machineries and rural workshop with ancillary facilities for a period of three years at the Site falling within an area zoned “REC” on the OZP. While the proposed uses are not in line with the planning intention of the “REC” zone, there is no known proposal for recreational development at the Site. According to the applicant, the Site is considered suitable for relocation of the business operation affected by HSK/HT NDA. In this regard, SDEV advises that the application is to facilitate the relocation of a brownfield operation affected by HSK/HT NDA, and subject to no adverse comments on land use compatibility and technical aspects from concerned government departments, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, there is no objection to the proposed uses on a temporary basis of three years.
- 12.2 The Site is located in an area of rural character mainly comprising warehouses, active farmlands, domestic structures and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that the proposed uses are not entirely incompatible with the surrounding environment.
- 12.3 The Site falls within the Category 3 areas under TPB PG-No. 13G. The application generally complies with TPB PG-No.13G in that policy support is rendered by SDEV to the application for relocation of brownfield operation affected by government development project, and 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. DEP does not support the application as the proposed uses involve the use of heavy vehicles and environmental nuisance on the sensitive receiver (i.e. residential building in the vicinity of the Site) is expected. In this regard, the applicant states that he will adhere to relevant environmental guidelines. Should the application be approved, the applicant will be advised to follow the ‘COP’ to minimise any possible environmental nuisance and regulations to handle the sewage produced from the proposed uses. C for T has no comment on the application and recommends imposing approval conditions on implementation and maintenance of the traffic management measures as proposed by the applicant, taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road. To address the technical requirements of other government departments, relevant approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected outside the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 12.4 There are six similar approved applications for temporary open storage and/or warehouse falling within the same “REC” zone in the vicinity of the Site in the past five years as mentioned in paragraph 7.1 above. The planning circumstances of the current application are largely similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 12.5 Regarding the public comments on the application as detailed in paragraph 11 above, the government departments’ comments and planning assessments above are relevant. In respect to the concern on the land resumption implication, while the Site falls within the proposed boundary of the PDA in NTN New Town, the Project Manager (North) of Civil Engineering Development Department advises that government-initiated works for the PDA may commence in 2028/29 the earliest and subject to the land use planning in the

relevant study, the proposed uses would need to be vacated for the site formation works. The applicant would be advised to take account of this should the Committee approve the application.

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, PlanD 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 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 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 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; and
- (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.

Advisory Clauses

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

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

the proposed uses are not in line with the planning intention of the "REC" zone which is primarily for low-density recreational developments for the use of the general public. 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

Appendix I	Application Form with Attachments received on 6.3.2026
Appendix Ia	SI received on 12.3.2026
Appendix Ib	FI received on 8.4.2026
Appendix Ic	FI received on 24.4.2026
Appendix Id	FI received on 29.4.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Proposal
Drawing A-3	FSIs Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos