

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/276

- Applicant** : Hing Yan Hong Company Limited represented by Aikon Development Consultancy Limited
- Site** : Lot 317 in D.D. 87 and Adjoining Government Land (GL), Kong Nga Po, Sheung Shui
- Site Area** : About 1,285m² (including GL of about 450m², or about 35% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Vehicle Repair 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 vehicle repair 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. 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 partly vegetated and partly hard-paved, with a portion currently used for storage of some construction machineries and materials without valid planning permission (**Plans A-4a to A-4c**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of a brownfield operation in Sheung Shui being affected by government project, i.e. the Fanling North New Development Area (FLN NDA). As claimed by the applicant, the affected operation involves a site area of about 28,000m² and is currently used for open storage of containers and cross-border transshipment of goods, which also includes a vehicle repair workshop for the routine maintenance of company vehicles. The affected land within the NDA has been resumed by the Government.
- 1.3 The Site is accessible from its southeast via a local road leading to Kong Nga Po Road (**Plan A-2**). According to the applicant, the proposed use consists of three one-storey temporary structures with building height of not more than 7m and a total floor area of

about 320m² for vehicle repair workshop, guard kiosk and meter room. The uncovered area of the Site (about 965m² or 75% of the Site) will be used for parking spaces, loading/unloading (L/UL) space and vehicular circulation area. One parking space for private car (5m (L) x 3.5m (W)), one parking space for heavy goods vehicle (HGV) (11m (L) x 3.5m (W)) and one L/UL space for container vehicle (16m (L) x 3m (W)) will be provided at the Site. A 11m-wide ingress/egress for vehicles is proposed at the eastern boundary of the Site. A 1.8m high fence will be erected along the boundaries of the Site. According to the applicant, the proposed vehicle repair workshop will be exclusively used for routine maintenance, vehicle checks and minor repairing works of company vehicles (including container vehicles) to support the operations of the proposed temporary open storage of containers under application No. A/NE-FTA/273¹, which was submitted by the same applicant and is located to the south of the Site (**Plan A-1**). No storage of dangerous goods will be carried out at the Site at any time during the planning approval period. The proposed operation hours are between 8:00 a.m. and 10:00 p.m. daily. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 The applicant also applies for filling of land of the entire site with concrete/soil to a depth of not more than 0.2m for site formation purposes to facilitate vehicular manoeuvring and the erection of temporary structures². The site level of the entire site will be about 29.5mPD to 30.7mPD upon completion of land filling. The land filling plan submitted by the applicant is shown in **Drawing A-2**. According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site to ensure that no vehicles will queue back onto the local road; warning signs will be installed at the ingress/egress to ensure pedestrian safety; and staff will be deployed to manage vehicles entering/exiting the Site.
- 1.5 The Site is the subject of a previous application (No. A/NE-FTA/35) (**Plan A-1**) submitted by a different applicant for temporary open storage of containers and scrap metals, which was rejected by the Board on review in 2000. Details of the previous application are set out in paragraph 6 below.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 5.5.2026 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) received on 5.5.2026 (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 7.5.2026 (**Appendix Ib**)
 - (d) Further Information (FI) received on 12.6.2026* (**Appendix Ic**)
 - (e) Further Information (FI) received on 16.6.2026* (**Appendix Id**)

** accepted and exempted from the publication and recounting requirements*

¹ According to the record, application No. A/NE-FTA/273 submitted by the same applicant for proposed temporary open storage of containers and vehicle repair workshop with ancillary facilities and associated filling of land and pond for a period of three years was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 13.3.2026, to facilitate the relocation of the brownfield operation affected by government project. The Secretary for Development rendered policy support to the application.

² According to the applicant, about 1,100m² (or about 85% of the Site) had been paved prior to the submission of the planning application. The applicant also seeks to regularise the previous land filling activities at the Site (**Appendix Ic**).

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS, SI and FIs at **Appendices I to Id**, as summarised below:

- (a) the application is submitted to relocate the applicant's current operation in Sheung Shui, which involves a site area of about 28,000m², being affected by the implementation of the Kwu Tung North/FLN NDA. The company has provided facilities for open storage of containers and cross-border transshipment of goods in support of Hong Kong's cross-border trade for over 30 years. The proposal aligns with the Government's policy to supply logistic land, promote the logistics industry and facilitate cross-boundary business services;
- (b) the applicant has conducted extensive site searches to identify suitable alternative sites for reprovisioning of his business. While only about 22% of the original business operation (about 6,214m²) will be relocated to the site of application No. A/NE-FTA/273 as an interim solution, the applicant has continued to search for additional locations to meet its operational and spatial requirements. Given the acute difficulties and urgency in securing relocation sites, the applicant intends to relocate the vehicle repair workshop to the Site, with a view to freeing up critical space at the site of application No. A/NE-FTA/273 for open storage of containers and vehicular circulation area to enhance overall operational efficiency;
- (c) the Site falls within Category 2 areas under the Town Planning Board Guidelines No. 13G for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13G). The proposed use complies with TPB PG-No. 13G. Furthermore, it could also support the Northern Metropolis's Boundary Commerce and Industry Zone where the Site is located;
- (d) the proposed use is compatible with the surrounding land uses, which are predominantly occupied by open storage yards, warehouses, temporary structures, tree clusters, active/fallow agricultural land and vegetated areas. There are similar approved applications in the vicinity of the Site. Approval of the application will not set an undesirable precedent;
- (e) the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the "AGR" zone. Furthermore, there are similar applications (No. A/NE-FTA/242, 245, 267³ and 273) within the "AGR" zone on the same OZP in the past five years;
- (f) no adverse traffic, visual, landscape, environmental and drainage impacts are anticipated. Should the application be approved, the applicant is committed to comply with all environmental protection requirements, and follow relevant mitigation measures and requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to alleviate possible adverse impacts and nuisance to the surrounding areas; and

³ Application No. A/NE-FTA/267 for proposed temporary vehicle repair workshop (including container vehicle, medium and heavy goods vehicle) with ancillary office and associated filling of land for a period of three years was approved with conditions by the Committee on 24.10.2025. The concerned site falls within another "AGR" zone on the same OZP.

- (g) should the application be approved, 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 by notifying the “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Town Planning Board Guidelines

The TPG PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to this application. The Site falls within Category 2 areas under TPG PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

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

6. Previous Application

6.1 The Site is the subject of a previous application (No. A/NE-FTA/35) submitted by a different applicant for temporary open storage of containers and scrap metals, which was rejected by the Board on review on 1.12.2000. Its considerations are not applicable to the current application which involves a different use.

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

7. Similar Applications

7.1 There are three similar applications (No. A/NE-FTA/242⁴, 245 and 273) involving two sites related to temporary vehicle repair workshop use within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**), which were all approved with conditions by the Committee between 2024 and 2026 mainly on the considerations that the proposed use was not entirely incompatible with the surrounding areas; and the concerns of the relevant government departments could be addressed through implementation of approval conditions. Applications No. A/NE-FTA/245 and 273 covering the same site were also approved for the reasons that the concerned site was reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G, and the applications generally complied with TPB PG-No. 13G in that no major adverse

⁴ Application No. A/NE-FTA/242 for proposed temporary vehicle repair workshop (private car) and open storage of vehicles for a period of three years and associated filling of land (**Plan A-1**), and application No. A/NE-FTA/275 for temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years (**Plan A-2**) involve the same site.

departmental comments were received.

7.2 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-4c)

8.1 The Site is:

- (a) partly vegetated and partly hard-paved, with a portion currently used for storage of some construction machineries and materials without valid planning permission;
- (b) traversed by 400kV extra high voltage overhead lines; and
- (c) accessible via a local track to the southeast leading to Kong Nga Po Road.

8.2 The surrounding areas are rural in character comprising open storage yards, warehouses, temporary structures, domestic structures, intermixed with vacant land, tree clusters and wooded slopes. To the south are two sites covered with valid planning permissions (applications No. A/NE-FTA/273 and 275) for a proposed temporary open storage of containers and vehicle repair workshop under construction, and a temporary warehouse respectively. A cluster of proposed/existing open storage yards with valid planning permissions (applications No. A/NE-FTA/269 and 270) is located to the southeast of the Site. To the immediate north and west of the Site is an area zoned “Green Belt” generally comprising wooded slopes. To the further west of the Site is a site zoned “Government, Institution or Community (1)” for co-locating various police facilities in the North District and a proposed police training facility, for which construction is currently in progress and is being completed in phases.

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 recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

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

Land Administration

10.2.1 Comments of the District Lands Officer/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 GL but no right of access via GL is granted to the Site;
- (c) no consent is given for inclusion of GL in the Site;
- (d) the following irregularities covered by the subject planning application have been detected by his office:

- (i) Unauthorised structures within Lot 317 in D.D. 87 partly covered by the planning application

there is/are unauthorised structure(s) on Lot 317 in D.D. 87. The lot owner(s) should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (ii) Unlawful occupation of GL adjoining Lot 317 in D.D. 87 covered by the planning application

the GL within the Site has been fenced off/illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the planning application since there is illegal occupation of GL which regularization would not be considered according to prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL and remove the unauthorised structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the following irregularity not covered by the subject planning application has been detected by his office:

- (i) Unlawful occupation of GL adjoining Lot 317 in D.D. 87 not covered by the planning application

the GL adjoining Lot 317 in D.D. 87 has been fenced off/illegally occupied with unauthorised structure(s) without any permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take

necessary land control action against the illegal occupation of GL without further notice;

- (f) subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owner(s)/applicant shall apply to his office for STW to permit the proposed structures. The application for STW 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 on whole lot basis and subject to such terms and conditions including the payment of waiver fees 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 land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered;
- (g) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office has objection to the application and it must be brought to the attention of the Board when the application is being considered; and
- (h) his other advisory comments are at **Appendix VI**.

Agriculture

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

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries etc.

Environment

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

- (a) he is unable to lend support to the application from environmental planning perspective as the proposed use involves the use of heavy vehicles and residential dwellings are identified within 100m from the Site (**Plan A-2**);
- (b) he has no adverse comment on the proposed associated filling of land from environmental planning perspective subject to implementation of mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts;
- (c) no environmental complaint pertaining to the Site was received in the past three years; and

(d) his advisory comments are at in **Appendix VI**.

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) she has no adverse comment on the application from traffic engineering perspective;
- (b) taking into consideration the location of the Site and requirement for vehicular access etc., should the application be approved, it is suggested to impose approval conditions on the submission, implementation and maintenance of traffic management measures; and
- (c) her advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 12.5.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). Two comments from the Kadoorie Farm and Botanic Garden Corporation (KFBG) and an individual object to the application mainly on the grounds that the Site is the subject of a previously rejected application; the Site involves suspected unauthorised filling of land and unlawful occupation of GL; the proposed use will result in land contamination; and vehicle repair workshops should be confined to areas designated for such use. KFBG also suggests that, should the application be approved, approval condition on reinstatement of the Site should be imposed. 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 vehicle repair workshop with ancillary facilities 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 possesses potential for agricultural rehabilitation. Nonetheless, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 12.2 The application involves regularisation/further filling of land of the entire site with concrete/soil to a depth of not more than 0.2m for site formation purposes to facilitate vehicular manoeuvring and the erection of temporary structures. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective, while DEP has no adverse comment on the proposed associated filling of land subject to implementation of mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts. 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, which is partly vegetated and partly hard-paved, with a portion currently used for storage of some construction machineries and materials without valid planning permission, is situated in an area of rural character comprising open storage yards, warehouses, temporary structures, domestic structures, and intermixed with vacant land, tree clusters and wooded slopes (**Plans A-2 to A-4c**). A proposed temporary open storage of containers and vehicle repair workshop and a temporary warehouse with valid planning permissions (applications No. A/NE-FTA/273 and 275 respectively) are located to the south (**Plan A-2**). The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse landscape impact arising from the proposed use is not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 12.4 While DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (**Plan A-2**), no substantiated environmental complaint pertaining to the Site was received in the past three years. Should the application be approved, the applicant will be advised to follow the latest ‘COP’ to minimise the possible environmental nuisances on the surrounding areas, and to implement relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts during land filling. Other concerned 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 submission, implementation and maintenance of the proposed traffic management measures, taking into consideration the location of the Site and requirement for vehicular access. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.
- 12.5 The Site falls within Category 2 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.
- 12.6 There are three approved similar applications within the same “AGR” zone involving two sites related to temporary vehicle repair workshop use as mentioned in paragraph 7 above. Approval of the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments mentioned in paragraph 11 above, the government bureau/departments’ comments and the 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 mentioned 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 26.6.2029. 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 26.12.2026;
- (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 26.3.2027;
- (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 services installation 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 26.12.2026;
- (e) in relation to (d) above, the implementation of the fire services 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 26.3.2027;
- (f) the submission of revised traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 26.12.2026;
- (g) in relation to (f) above, the implementation of the revised traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 26.3.2027;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (c) or (h) 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;
- (j) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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
- (k) upon the 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 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.

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 received on 5.5.2026
Appendix Ia	SPS received on 5.5.2026
Appendix Ib	SI received on 7.5.2026
Appendix Ic	FI received on 12.6.2026
Appendix Id	FI received on 16.6.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Application
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4c	Site Photos