

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

**APPLICATION NO. A/NE-HLH/90**

- Applicant** : Able New Development Limited represented by Lawson David & Sung Surveyors Limited
- Site** : Lots 266 (Part), 268 (Part), 286 (Part), 287 (Part), 288 (Part), 291 (Part) in D.D. 87 and Adjoining Government Land (GL), Hung Lung Hang
- Site Area** : About 7,216m<sup>2</sup> (including GL of about 2,654m<sup>2</sup> or about 37% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials and Machineries and Rural Workshop with Ancillary Facilities and Associated Filling of Land and Pond for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machineries and rural workshop with ancillary facilities and associated filling of land and pond 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 and pond within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is partially fenced-off, partly hard-paved, mostly covered with vegetation and largely vacant (**Plans A-4a to A-4c**).
- 1.2 The Site is accessible from its northwest via a local track leading to Kong Nga Po Road (**Plan A-2**). According to the applicant, the proposed uses consist of three one-storey temporary structures with a building height of not more than 12m and a total floor area of about 1,954m<sup>2</sup> for an open-sided shelter (for storage, rural workshop<sup>1</sup>, toilet uses and two medium goods vehicle (MGV) loading/unloading (L/UL) spaces (11m (L) x 3.5m (W) each)), an ancillary site office and a meter room. About 1,742m<sup>2</sup> (24% of the Site) is for open storage of construction materials and machineries with stacking height not more than 4m, and the remaining uncovered area (about 3,520m<sup>2</sup> or 49% of the Site) is for circulation area, as well as three parking spaces (5m (L) x 2.5m (W) each) for private cars and two L/UL spaces (11m (L) x 3.5m (W) each) for MGV. The existing ingress/egress point with

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<sup>1</sup> The proposed rural workshop is for the repair of construction machinery.

8m wide is located at the northwestern boundary of the Site. A right of way to the enclosed Lot 289 at the central portion of the Site is also proposed. A 2.5m high solid metal fencing will be erected along the site boundary. The operation hours are from 8:00 a.m. to 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**.

- 1.3 As the ground level of the Site varies from +15.3mPD in the dried pond to +21.6mPD in the northwest portion, the applicant also proposes to fill the land and pond across the entire Site with soil and concrete to depths ranging from about 0.2m to 1.7m. The proposed site levels will range from about +17.0mPD to +21.8mPD upon completion of the site formation work (**Drawing A-2**).
- 1.4 According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided such that no vehicle will queue back onto the local road; advance appointment registration will be required for vehicles entering the Site to prevent illegal parking outside the Site; warning signs will be installed at the ingress/egress to ensure the pedestrian safety; staff will be deployed to manage traffic; and no goods vehicle operations will be scheduled during morning and evening peak hours. A drainage proposal (**Drawing A-3**) with provision of U-channels and catchpits along the site boundaries is submitted by the applicant in support of the application. Suitable protective measures for the nearby watercourse will also be implemented during construction and operational phases, such as reserving a minimum setback of 3m from the watercourse, no effluent and solid waste will be discharged or disposed to the watercourse, decontamination kit will be available to prevent oil or chemical leakage or spillage, and no chemicals will be used in the Site.
- 1.5 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 28.4.2026 (**Appendix I**)
  - (b) Supplementary Information (SI) received on 8.5.2026 (**Appendix Ia**)
  - (c) Further Information (FI) received on 8.6.2026\* (**Appendix Ib**)
  - (d) FI received on 15.6.2026, 17.6.2026 and 18.6.2026\* (**Appendix Ic**)

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

## **2. Justifications from the Applicant**

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

- (a) in view of the increasingly limited supply of brownfield sites and that the surrounding areas are intermixed with warehouses and open storage yards, the proposed uses are considered not incompatible with the surrounding land uses and would allow full utilisation of the currently vacant and scared land resources;
- (b) the proposed uses are compatible with the surrounding area, which is predominantly characterized by clusters of similar brownfield operations, temporary structures, warehouses, and open storage yards. Furthermore, the granting of a temporary planning permission would not jeopardize the long-term planning intention of the Site, and is in line with the Committee's previous decisions on 19 similar applications in the vicinity; and
- (c) the submitted technical reports and assessments have demonstrated that no adverse environmental, noise, drainage, landscaping or traffic impacts are anticipated. Any

departmental concerns can be addressed through the imposition of approval conditions. The application is considered in line with 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).

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

The applicant is not the “current land owner” and has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent / Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and publishing notices in local newspapers. 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 TPB PG-No. 13G promulgated on 14.4.2023 is relevant to this 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**

The northwest portion of the Site is subject to active planning enforcement actions against unauthorized development (UD) involving filling of land (No. E/NE-HLH/119) and storage use (including deposit of containers) (No. E/NE-HLH/152) respectively (**Plan A-2**). Two Enforcement Notices (ENs) were issued on 26.8.2019 and 16.1.2024 respectively requiring discontinuation of the UD. For EN No. A/NE-HLH/119, a Reinstatement Notice (RN) requiring removal of fill materials and grassing of the concerned land was issued on 11.9.2019. A recent site inspection for both ENs revealed that part of the lot was grassed while the remaining portion was hard paved, and the storage use was not discontinued. The site is under close monitoring by the Planning Authority.

### **6. Previous Application**

The Site is not the subject of any previous application.

### **7. Similar Applications**

7.1 There are 17 similar applications (No. A/NE-HLH/51, 54, 55, 59, 60, 61, 64, 66, 68, 70, 71, 75, 76, 81, 83, 84, and 88) involving 12 sites for temporary open storage use within the same “AGR” zone in the vicinity of the Site in the past five years<sup>2</sup> (**Plan A-1**), which were all approved with conditions by the Committee between 2021 and 2026 mainly on the considerations that the application site was reclassified from Category 3 to Category 2 areas under TPB PG-No. 13F/13G; the application generally complied with TPB PG-No. 13F/13G in that no major adverse departmental comments were received on the application;

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<sup>2</sup> Excluding applications No. A/NE-HLH/77 and 89, which are mentioned by the applicant, as they relate to relocation of brownfield operations affected by government projects. Their planning circumstances are different from those of the current application.

and the concerns of the relevant government departments could be addressed through implementation of approval conditions.

- 7.2 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-4c)**

8.1 The Site is:

- (a) partially fenced-off, partly hard-paved, mostly covered with vegetation and largely vacant; and
- (b) accessible via a local track to the northwest leading to Kong Nga Po Road.

8.2 The surrounding areas are rural in character comprising open storage/storage yards, workshop, temporary structures, active/fallow agricultural land, vacant land and tree clusters. A watercourse runs at about 15m along the southern boundary of the Site. Two sites covered by valid planning permissions (applications No. A/NE-HLH/81 and 83) both for temporary open storage use are located to the south of the Site across the watercourse and enclosed by the central part of the Site respectively. To the further north and south of the Site are wooded areas intermixed with storage yards and workshops zoned “Green Belt”.

## **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 for “AGR” zone, as filling of land 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 paragraph 10.2 below, other 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 IV** and **V** respectively.

10.2 The following government departments have objection 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 has objection to the application;
- (b) the Site comprises 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. According to the vehicular access plan of the planning statement, the vehicular access is required to pass through other private lots, the applicant shall make their own arrangement;

- (c) no consent is given for inclusion of GL (about 2,654m<sup>2</sup> as mentioned in the Application Form) in the Site;
- (d) a structure on Lot 286 in D.D. 87 is covered by Letter of Approval (LoA) No. 3697 for the purpose of chicken shed and shade attached to chicken shed;
- (e) the following irregularity covered by the planning application has been detected by his office:

Unauthorized structure within Lot 266 in D.D. 87 covered by the planning application

there is unauthorized structure on the private lot. 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;

Unlawful occupation of GL adjoining Lots 266, 268, 286, 288 and 291 all in D.D. 87 covered by the planning application

the GL within the Site (about 2,654m<sup>2</sup> as mentioned in the Application Form) has been fenced off or 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 the prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

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

Unauthorized structures within Lot 286 in D.D. 87 not covered by the planning application

there are unauthorized structures on the said private lots which are not covered by the planning application. The lot owner(s) should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

Unlawful occupation of GL adjoining Lots 286 and 288 both in D.D. 87 not covered by the planning application

the GL adjoining the said private lots has been fenced off or illegally occupied without 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;

- (g) subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owner(s) shall apply to his office for Short Term Waiver (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 fee and administration 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 uses are temporary in nature, only erection of temporary structures will be considered;
- (h) unless and until the unauthorized structure(s) and 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
- (i) his advisory comments are at **Appendix V**.

#### **Agriculture, Fisheries and Nature Conservation**

##### 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;
- (b) agricultural activities are active in the vicinity of the Site, 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 and plant nurseries, etc.;
- (c) he has no comment on the application from fisheries and nature conservation perspectives; and
- (d) his advisory comments are at **Appendix V**.

#### **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 uses involve the use of heavy vehicles and residential dwelling is identified within 50m from the access road (**Plan A-2**);
- (b) he has no comment on the regularisation of filling of land and pond from environmental planning perspective subject to implementation of relevant mitigation measures 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 **Appendix V**.

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) he has no comment on the application from traffic engineering perspective;
- (b) after taking into consideration the location of the Site and the users, etc., the following approval conditions should be imposed:
  - the submission of traffic management measures, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of C for T or of the Board;
  - the implementation of traffic management measures within 9 months from the date of planning approval to the satisfaction of C for T or of the Board; and
  - 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 Periods**

On 12.5.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Three comments from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and an individual object to the application on the grounds that the Site is not the subject of any previous approval; the application is not in line with the planning intention of “AGR” zone and the policy of phasing out brownfield operations that make inefficient use of land; tree felling and land filling at the Site would have adverse drainage impacts; and the application should be rejected if the Site involves unauthorized development. 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 construction materials and machineries and rural workshop with ancillary facilities and associated filling of land and pond a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed uses are 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 uses with associated filling of land on a temporary basis of three years.

- 12.2 The application involves proposed filling of land and pond covering the entire site to depths of about 0.2m to 1.7m (**Drawing A-2**). Filling of land and pond 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 comment on the proposed filling of land and pond from environmental planning perspective. 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 area is recommended should the Committee decide to approve the application.
- 12.3 The Site, which is partially fenced-off, partly hard-paved, mostly covered with vegetation and largely vacant, is situated in an area of rural character intermixed with open storage/storage yards, workshop, temporary structures, active/fallow agricultural land, vacant land and tree clusters (**Plans A-2 to A-4c**). Two sites covered by valid planning permissions (applications No. A/NE-HLH/81 and 83) both for temporary open storage use are located to the south of the Site across the watercourse and enclosed by the central part of the Site respectively. The proposed uses are considered not entirely incompatible with the surrounding land uses. Noting that no distinctive landscape resources are observed within the Site and significant adverse landscape impact arising from the proposed uses 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 DEP is unable to lend support to the application as the proposed uses involve 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**). Should the application be approved, the applicant will be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental nuisance on the surrounding areas, and to implement relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts during land filling. C for T has no comment on the application and recommends imposing approval conditions on the submission, implementation and maintenance of traffic measures as proposed by the applicant, taking into account the location of the Site and existing traffic condition. Other concerned government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD’s concerns on the unauthorized structures and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 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 17 similar applications for temporary open storage use within the same “AGR” zone approved by the Committee between 2021 and 2026 (**Plan A-1**) as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments as detailed in paragraph 11 above, the government 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 revised 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 revised 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 should be maintained at all times during the planning approval period;
- (d) the submission of a revised 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 26.12.2026;
- (e) in relation to (d) above, the implementation of the revised 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 26.3.2027;
- (f) the submission of 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 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 should 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 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 with associated filling of land and pond are 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 28.4.2026
<b>Appendix Ia</b>	SI received on 8.5.2026
<b>Appendix Ib</b>	FI received on 8.6.2026
<b>Appendix Ic</b>	FI received on 15.6.2026, 17.6.2026 and 18.6.2026
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Similar Applications
<b>Appendix IV</b>	Government Departments' General Comments
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Appendix VI</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Filling of Land Plan
<b>Drawing A-3</b>	Drainage Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plans A-3a to A-3b</b>	Aerial Photos
<b>Plans A-4a to A-4c</b>	Site Photos