

Previous Application

Approved Application

Application No.	Uses / Developments	Date of Consideration
A/NE-MKT/40	Proposed Temporary Warehouse for Storage of Construction Materials and Furniture for a Period of Three Years and Associated Filling of Land	2.5.2025 <i>(revoked on 2.5.2026)</i>

**Similar Applications for Temporary Warehouse
within/partly within the same “Agriculture” zone in the vicinity of the Application Site**

Approved Applications

	Application No.	Uses / Developments	Date of Consideration
1	A/NE-MKT/34	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of Three Years and Associated Filling of Land	20.9.2024 (<i>revoked on 20.9.2025</i>)
2	A/NE-MKT/35	Proposed Temporary Warehouse (Timber and Other Associated Materials) for a Period of Three Years and Associated Filling of Land	19.7.2024 (<i>revoked on 19.4.2026</i>)
3	A/NE-MKT/37	Proposed Temporary Warehouse for Storage of Food Provisions for a Period of Three Years and Associated Filling of Land	10.1.2025
4	A/NE-MKT/39	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of Three Years and Associated Filling of Land	24.1.2025
5	A/NE-MKT/46	Proposed Temporary Warehouse for Storage of Construction Materials for a Period of Three Years	18.7.2025
6	A/NE-MKT/55	Proposed Temporary Warehouse (Cold Store for Iced Poultry) and Shop and Services (Fresh Provision Shop) and Associated Filling of Land for a Period of Three Years	8.5.2026
7	A/NE-MKT/56 ¹	Proposed Temporary Warehouse for Storage of Car Parts and Associated Filling of Land for a Period of Three Years	6.2.2026
8	A/NE-MKT/61	Proposed Temporary Warehouse (Storage of Construction Materials) and Associated Filling of Land for a Period of Three Years	8.5.2026
9	A/NE-MKT/62 ²	Proposed Temporary Warehouse (Storage of Construction Materials) for a Period of Three Years	5.6.2026

Rejected Applications

	Application No.	Uses / Developments	Date of Consideration	Rejection Reasons
1	A/NE-MKT/25 ¹	Temporary Open Storage and Warehouse for Construction Materials for a Period of Three Years and Filling of Land	11.9.2023	R1-R3
2	A/NE-MKT/26	Proposed Temporary Warehouse for Storage of Electronic Products and Open Storage of Packaging Tools for a Period of Three Years and Associated Filling of Land	1.12.2023 (<i>on review</i>)	R1-R2
3	A/NE-MKT/29 ²	Proposed Temporary Warehouse for Storage of Engineering Tools and Equipment for a Period of Three Years	10.11.2023	R1-R2

	Application No.	Uses / Developments	Date of Consideration	Rejection Reasons
4	A/NE-MKT/31	Proposed Temporary Logistics Warehouse (Excluding Dangerous Goods) and Ancillary Office for a Period of Three Years and Filling of Land	27.10.2023	R1-R3

Rejection Reasons

- R1 The proposed/applied use was not in line with the planning intention of the “Agriculture” zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission to merit a departure from such planning intention, even on a temporary basis.
- R2 The applicant failed to demonstrate in the submission that the proposed/applied use would not cause adverse traffic, environmental, drainage, landscape and/or slope safety impacts on the surrounding areas.
- R3 The proposed use did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that no previous approval had been granted to the site and there were adverse departmental comments and local objections.

Remarks

- ¹ Application Nos. A/NE-MKT/25 and A/NE-MKT/56 largely involved the same site.
- ² Application Nos. A/NE-MKT/29 and A/NE-MKT/62 largely involved the same site.

Government Departments' General Comments

1. Drainage

Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- no in-principle objection to the application from public drainage perspective;
- should the application be approved, conditions should be included to request the applicant to submit and implement a revised drainage proposal for the application site (the Site) to ensure that it will not cause adverse drainage impact to the adjacent area, and the implemented drainage facilities at the Site shall be maintained at all times during the planning approval period; and
- her detailed advisory comments on the application are at **Appendix V**.

2. Fire Safety

Comments of the Director of Fire Services (D of FS):

- no in-principle objection to the application subject to fire service installation and water supplies for firefighting being provided to his satisfaction; and
- his detailed advisory comments on the application are at **Appendix V**.

3. Building Matters

Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- no objection to the application;
- as there is no record of approval granted by the Building Authority for the existing structure at the Site, he is not in a position to offer comments on its suitability for the use proposed in the application; and
- his detailed advisory comments on the application are at **Appendix V**.

4. Environment

Comments of the Director of Environmental Protection (DEP):

- although domestic dwelling is identified within 100m from the Site (**Plan A-2**), no heavy vehicle is involved, hence he has no objection to the application from environmental planning perspective;
- no environmental complaint was received for the Site in the past three years; and
- his detailed advisory comments on the application are at **Appendix V**.

5. Landscape

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD):

- no adverse comment on the application from landscape planning perspective;
- based on the aerial photo taken in 2025, the Site is situated in an area of rural inland plain landscape character comprising temporary structures, warehouses, vegetated areas and tree clusters. The proposed use is considered not entirely incompatible with the landscape character of its surroundings;
- with reference to site photos taken in December 2025 and March 2026, majority of the Site is largely paved and currently occupied by a container. Self-seeded vegetation is found with two undesirable species proposed to be felled at the western portion of the Site. According to **Drawing A-4**, 21 *Cassia surattensis* (黃槐) will be planted to compensate for the tree loss. The applicant confirmed that no distinctive landscape resources and only common species are found within the Site;
- in view of the above, significant adverse landscape impact arising from the proposed use is not anticipated; and
- her detailed advisory comments on the application are at **Appendix V**.

6. Other Departments

The following Government departments have no objection to/no comment on the application:

- (a) Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD);
- (b) Commissioner for Transport (C for T);
- (c) Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD);
- (d) Chief Engineer/Construction, Water Supplies Department (CE/C, WSD);
- (e) Commissioner of Police (C of P);
- (f) Principal Government Engineer/Railway Development, HyD (PGE/RD, HyD);
- (g) Project Manager (North), CEDD (PM(N), CEDD); and
- (h) District Officer (North), Home Affairs Department (DO(N), HAD).

Recommended Advisory Clauses

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site (the Site);
- (b) failure to reinstate the Site as required under the relevant approval condition upon expiry of the planning permission might constitute an unauthorized development under the Town Planning Ordinance and be subject to enforcement and prosecution actions;
- (c) should there be non-compliance with any of the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (d) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that:
 - (i) the following irregularity covered by the subject planning application has been detected by his office:

Unauthorised structure within Lot 590 RP in D.D. 90 covered by the application

there is an unauthorised structure within Lot 590 RP in D.D. 90. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;
 - (ii) the following irregularity not covered by the subject planning application has been detected by his office:

Unlawful occupation of Government Land (GL) not covered by the application

the GL adjoining the Site on the northern side has been fenced off 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 Land (Miscellaneous Provisions) Ordinance (Cap. 28). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;
 - (iii) the lot owners/applicant shall either remove the unauthorized structure and cease the illegal occupation of GL not covered by the application immediately, and subject to the approval of the Town Planning Board to the application which shall have reflected the rectification as aforesaid required, apply to his office for Short Term Waiver (STW) to permit the structure(s) erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on the whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorized structure was erected and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners/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 structure(s) will be considered;
 - (iv) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owners/applicant should remove all the unauthorised structures and rectify the occupation of GL immediately; and

- (v) the lot owners/applicant should comply with all the land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
- (i) the Site is located in an area where no public sewerage connection is available; and
 - (ii) for the drainage proposal provided by the applicant, the applicant should find her comments as follows:
 - the Site is in the vicinity of existing streamcourse to the north of the Site. The applicant shall be required to place all the proposed works at least 3m away from the top of the bank of the streamcourse. All the proposed works in the vicinity of the streamcourse should not create any adverse drainage impacts, both during and after construction. Proposed flooding mitigation measures if necessary shall be provided at the resources of the applicant to her satisfaction;
 - a drainage plan should be provided clearly showing the size, levels and routes of the proposed drainage. The details (invert level, gradient, general sections etc.) of the proposed drain/surface channel, catchpits and the discharge structure shall be provided;
 - according to the record, the existing ground level to the south is higher than the Site. The applicant should review and evaluate the external catchment areas to the south. All the existing flow paths as well as the run-off falling onto and passing through the Site should be intercepted and disposed of via proper discharge points. The applicant shall also ensure that no works, including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drains, channels and watercourses on or in the vicinity of the Site at time during or after the works;
 - the applicant should advise the proposed further drainage downstream of the 'existing open drain'. The applicant should check and ensure that the existing drainage downstream to which the proposed connection will be made have adequate capacity and satisfactory condition to cater for the additional discharge from the Site. The applicant should ensure that the flow from the Site will not overload the existing drainage system;
 - photos should be submitted clearly showing the current conditions of the area within and around the Site, the existing drainage/flowpaths around the Site, the proposed drainage from the Site to the downstream existing watercourse. The locations of the camera and the direction of each photo should also be indicated on a plan;
 - the cover levels of proposed channels should be flush with the existing adjoining ground level;
 - the applicant should advise if hoarding or fencing will be erected along the site boundary. Where walls are erected or kerbs are laid along the boundary of the Site, peripheral channels should be provided on both sides of the walls or kerbs, and/or adequate openings should be provided at the walls/kerbs to allow existing overland flow passing through the Site to be intercepted by the drainage system of the Site with details to be agreed by DSD, unless justified not necessary;

- the applicant should be reminded to minimise the possible adverse environmental impacts on the existing streamcourse in their design and during construction;
 - the proposed drainage works, whether within or outside the Site, should be constructed and maintained properly by the applicant and rectify the system if it is found to be inadequate or ineffective during operation at their own expense;
 - the applicant shall allow all time free access for the Government and its agent to conduct site inspection on the completed drainage works;
 - the applicant and the successive lot owners shall allow connections from the adjacent lots to be completed drainage works on GL when so required;
 - for works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from DLO/N, LandsD and/or relevant private lot owners; and
 - the applicant should make good all the adjacent affected areas upon the completion of the drainage works;
- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his office for approval. In addition, the applicant should note that:
- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
- if the proposed structures are required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) that:
- (i) it is noted that two structures and land filling are proposed at the Site. Before any new building works are to be carried out on the Site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorised building works (UBW) under the BO. An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO;
 - (ii) the applicant's attention is drawn to the following points:
 - the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - the Site does not abut on a specified street of not less than 4.5m wide and its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at building plan submission stage;
 - if the existing structure is erected on leased land without approval of the BA, they are UBW under the BO and should not be designated for any approved use under the

captioned application;

- for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the prevailing enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - any temporary shelters or converted containers for office, storage, washroom or other uses are considered as temporary buildings are subject to the control of Part VII of the B(P)R;
 - the 8.5m high warehouses are considered excessive. It should be justified upon formal plan submission to BD; and
 - detailed checking under the BO will be carried out at building plan submission stage;
- (h) to note the comments of the Director of Environmental Protection (DEP) that the applicant should observe the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, implement the relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts (https://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html) during land filling and to provide suitable sewage treatment facilities as required under Professional Persons Environmental Consultative Committee Practice Note (ProPECC PN) 1/23 ‘Drainage Plans subject to Comment by the Environmental Protection Department’ and are duly certified by an AP or employ licensed waste collector to regularly collect and properly dispose of the sewage collected in the proposed toilet;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) that approval of the application does not imply approval of tree works such as pruning, transplanting and felling. The applicant is reminded to seek approval for any proposed tree works from relevant departments prior to commencement of the works;
- (j) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant should be reminded of the requirements of making necessary site formation submission(s), including but not limited to any necessary stability assessments on the existing geotechnical features in the vicinity of the Site, to BD for approval as required by the provision of the BO if found applicable;
- (k) to note the comments of the Commissioner for Transport (C for T) that sufficient manoeuvring space shall be provided within the Site. No vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (l) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):
- (i) HyD is not/shall not be responsible for the maintenance of any access connecting the Site and the nearest public road; and
 - (ii) adequate drainage measures shall be provided to prevent surface water running from the Site to the nearby public road and drains; and
- (m) to note the comments of the Project Manager (North), CEDD (PM(N), CEDD) that the proposed use is located within the proposed New Territories North (NTN) New Town under the Planning & Engineering (P&E) Study for NTN New Town and Man Kam To. The preliminary

development proposal for NTN New Town was released in December 2024. While the implementation programme of NTN New Town is being formulated under the P&E Study, the site formation works will likely commence soon after the completion of detailed design in next stage. Hence, subject to the land use planning in the P&E Study, the proposed use may need to be vacated for the site formation works.

Urgent Return receipt Expand Group Restricted Prevent Copy

tpbpd/PLAND

寄件者: [REDACTED]
寄件日期: 2025年12月18日星期四 3:05
收件者: tpbpd/PLAND
主旨: A/NE-MKT/57 DD 90 Lin Ma Hang Road
類別: Internet Email

A/NE-MKT/57

Lots 589 and 590 RP in D.D. 90, Lin Ma Hang Road, Man Kam To

Site area: 845sq.m

Zoning: "Agriculture"

Applied use: Warehouse / Vehicle Parking / **Filling of Land**

Dear TPB Members,

40 streamlined through on 2 May, now back with a substantial increase in footprint.

*"the Site of about 580m² with the total floor area of not more than 480m² under the current application **represents an increase in operational space**, as the Site is the available option for relocating the business operation and allows for the inclusion of the L/UL space and space for vehicle manoeuvring to support operational needs;"*

Despite the rejection of a number of similar applications, this had the approval of DevB that overrides all other considerations and guidelines approved by TB itself.

How can a further increase to a site far larger than the relocated premises can be justified?

The devastating fire in Tai Po has demonstrated how the constant undermining of guidelines has nurtured a culture of indifference.

Previous objections relevant and upheld. The application should be rejected as it is exploitative.

Mary Mulvihill

From: [REDACTED]
To: tpbpd <tpbpd@pland.gov.hk>
Date: Thursday, 12 September 2024 10:55 PM HKT
Subject: A/NE-MKT/40 DD 90 Lin Ma Hang Road

Urgent Return receipt Expand Group Restricted Prevent Copy
A/NE-MKT/40

Lots 589 and 590 RP in D.D. 90, Lin Ma Hang Road, Man Kam To

Site area: 390sq.m (580sq.m)

Zoning: "Agriculture"

Applied use: Warehouse / Vehicle Parking / **Filling of Land**

Dear TPB Members,

Another week and another application to trash Lin Ma Hang Road. I had a friend drive me there after the restrictions were lifted. I would probably slit my wrists if I were to return and see how the land has been despoiled and converted to brownfield.

Again no history of applications, no justification for approval as Lin Ma Hang Road is NOT designated as Cat 2 under

TPB PG-No. 13G (Revised April 2023)

TOWN PLANNING BOARD GUIDELINES FOR APPLICATION FOR OPEN STORAGE AND PORT BACK-UP USES UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

The application should be rejected in line with the many other applications of a similar nature.

Mary Mulvihill

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

2

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-MKT/57

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

「提意見人」姓名/名稱 Name of person/company making this comment 侯志強議員

簽署 Signature  日期 Date 2025.12.1

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

3

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-MKT/57

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

此申請地盤是連貫路木湖村路環對本村環境交通
十分大影響亦對村道環境生態也改變對村民
乘車候車上落也存在危險。所以我村民會議
後一致反對堅決反對。

「提意見人」姓名/名稱 Name of person/company making this comment

木湖村原居民
村代表

簽署 Signature

杜裕子

日期 Date

8-12-2025

致城市規劃委員會秘書：

專人送遞或郵遞：香港北角渣華道 333 號北角政府合署 15 樓

傳真：2877 0245 或 2522 8426

電郵：tpbpd@pland.gov.hk

4

To : Secretary, Town Planning Board

By hand or post : 15/F, North Point Government Offices, 333 Java Road, North Point, Hong Kong

By Fax : 2877 0245 or 2522 8426

By e-mail : tpbpd@pland.gov.hk

有關的規劃申請編號 The application no. to which the comment relates

A/NE-MKT/57

意見詳情 (如有需要，請另頁說明)

Details of the Comment (use separate sheet if necessary)

反對，因為道路繁忙，居民出入，做成不便
危險，有對此做成空氣污染

「提意見人」姓名/名稱 Name of person/company making this comment

鄭錦富

簽署 Signature

鄭錦富

日期 Date

11-12-2023