

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/57

- Applicant** : Fugo Furniture Trading Co. represented by Metro Planning & Development Company Limited
- Site** : Lots 588, 589 and 590 RP in D.D. 90, Lin Ma Hang Road, Ta Kwu Ling, New Territories
- Site Area** : About 845m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) 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 (**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 within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is fenced-off, generally vacant, largely hard-paved and partly covered by vegetation (**Plans A-4a to A-4d**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of a brownfield operation at the original site in Shan Ha Tsuen which is affected by the Yuen Long South New Development Area (YLS NDA) that has been resumed by the Government. The affected operation involves a site area of about 550m² as claimed by the applicant.
- 1.3 The Site is abutting Lin Ma Hang Road to the southeast (**Plan A-2**). According to the submission, the proposed use consists of a single-storey structure with a total floor area of not more than 760m² and a building height (BH) not exceeding 8.5m for a warehouse, site office and toilet. One light goods vehicle (LGV) loading/unloading (L/UL) space (7m (L) x 3.5m (W)) is proposed within the Site. No parking space is available at the Site. The operation hours of the proposed use are between 9:00 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 According to the applicant, a 6m-wide ingress/egress is proposed at the south of the Site and sufficient space will be provided within the Site for manoeuvring of vehicles. The internal space of the proposed warehouse will be free from obstruction for parking and manoeuvring of vehicles. A swept path analysis for LGV has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendix Ic**), an advance booking of L/UL space will be required; no car gate will be provided at the Site to prevent vehicles queuing outside the Site; and flashing lights and alarm system will be provided at the ingress/egress to ensure pedestrian safety.
- 1.5 The applicant also applies for regularisation of filling of land covering about 580m² (or about 68.6% of the Site) at the eastern portion of the Site¹ and an additional filling of land covering about 265m² (or about 31.4% of the Site) at the western portion, with concrete to depths of about 0.2m and 2.5m respectively, for site formation purpose (**Drawing A-2**). A drainage proposal (**Drawing A-3**), with the provision of a 300mm surface U-channel along the site periphery, has been submitted by the applicant in support of the application. A gap of 0.1m will be reserved at the toe of site hoarding to allow unobstructed flow of surface runoff. All the proposed drainage facilities will be provided and maintained at the applicant's own expense.
- 1.6 A landscape plan (**Drawing A-4**) has been submitted in support of the application. According to the applicant, the tree clusters with undesirable species in the western portion of the Site will be removed as they are in conflict with the proposed use. In order to mitigate the potential landscape impact, 21 *Cassia surattensis* (黃槐) will be replanted along the periphery of the Site for compensatory planting. In addition, to minimise potential slope instability, a non-building zone adjacent to the existing unregistered man-made slope will be established at the southwest portion of the Site (**Drawings A-1 and A-4**).
- 1.7 The majority of the Site is the subject of a previous application (No. A/NE-MKT/40) (**Plans A-1 and A-2**) submitted by the same applicant for the same use, which was approved with conditions by the Committee on 2.5.2025 as detailed in paragraph 5 below. The planning permission was subsequently revoked on 2.5.2026 due to non-compliance with approval conditions. Compared with the previous application, the current application mainly involves an increase in site area and total floor area by about 45.7% and 58.3% respectively. A comparison of the major development parameters of the current application and the previous application is summarised as follows:

Major Development Parameters	Approved Scheme under Application No. A/NE-MKT/40 (a)	Proposed Scheme under Current Application (b)	Differences (b) – (a)
Site Area (about)	580m ²	845m ²	+265m ² (+45.7%)

¹ According to record, the regularisation of associated filling of land of about 580m² with concrete by about 0.2m in depth at the Site was approved with conditions by the Rural and New Town Planning Committee (the Committee) under application No. A/NE-MKT/40.

Major Development Parameters	Approved Scheme under Application No. A/NE-MKT/40 (a)	Proposed Scheme under Current Application (b)	Differences (b) – (a)
No. of Structure	1 for warehouse	1 for warehouse, site office and toilet	No change
Maximum Floor Area	480m ²	760m ²	+280m ² (+58.3%)
Maximum BH	8.5m	8.5m	No change
Area of Land Filling	580m ²	845m ²	+265m ² (+45.7%)
No. of L/UL space	1 for LGV	1 for LGV	No change

1.8 In support of the application, the applicant has submitted the following documents:

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|---|----------------------|
| (a) Application Form received on 20.11.2025 | (Appendix I) |
| (b) Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) Supplementary Information (SI) received on 21.11.2025 | (Appendix Ib) |
| (d) Further Information (FI) received on 22.12.2025* | (Appendix Ic) |
| (e) FI received on 4.3.2026* | (Appendix Id) |
| (f) FI received on 29.4.2026* | (Appendix Ie) |

* *accepted and exempted from publication and recounting requirements*

1.9 On 9.1.2026 and 17.4.2026, the Committee decided to defer making a decision on the application as requested by the applicant for two months each.

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 Ie**, as summarised below:

- (a) the majority of the Site is the subject of a previously approved application (No. A/NE-MKT/40) to facilitate the relocation of brownfield operation affected by YLS NDA. The current application is to slightly expand the site area to facilitate the L/UL of goods and manoeuvring of vehicle within the Site;
- (b) the applicant has conducted site search to identify suitable site for the relocation of the affected operation and the Site is considered most suitable for relocation;
- (c) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where warehouses are commonly found along Lin Ma Hang Road;
- (d) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “AGR” zone;
- (e) there are similar precedent cases approved by the Committee in the same “AGR” zone; and
- (f) no significant adverse impacts in terms of environmental, traffic, drainage, etc. are anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the

Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') issued by the Environmental Protection Department; and

- (g) the applicant will liaise with the Lands Department (LandsD) on the land administration matters should the Committee approve the application.

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

The applicant is not a “current land owner” but have 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 obtaining consents of “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

5.1 The majority of the Site is the subject of a previous application (No. A/NE-MKT/40) submitted by the same applicant under the current application for the same use, which was approved with conditions by the Committee on 2.5.2025 mainly on the considerations that the application was to facilitate the relocation of business operations affected by YLS NDA and the Secretary for Development (SDEV) had rendered policy support to the application; there were no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses. However, the planning permission was revoked on 2.5.2026 due to non-compliance with approval conditions relating to submission and implementation of drainage proposal and fire service installations (FSIs) proposal.

5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-2**.

6. Similar Applications

6.1 There are 13 similar applications (No. A/NE-MKT/25, 26, 29, 31, 34, 35, 37, 39, 46, 55, 56, 61 and 62) for temporary warehouses with or without associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**).

6.2 Amongst them, nine applications (No. A/NE-MKT/34, 35, 37, 39, 46, 55, 56, 61 and 62)² for proposed warehouses were approved with conditions by the Committee between July 2024 and June 2026 mainly on the similar considerations as mentioned in paragraph 5.1 above.

² The planning permissions under applications No. A/NE-MKT/34 and 35 were revoked on 20.9.2025 and 19.4.2026 respectively, due to non-compliance with approval conditions relating to the submission and/or implementation of drainage proposal/drainage impact assessment, FSIs proposal, and/or traffic management measures.

- 6.3 The remaining four applications (No. A/NE-MKT/25, 26, 29 and 31) were rejected by the Committee/the Board on review in 2023 mainly for the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; and being failed to demonstrate that the proposed use would not induce adverse traffic, drainage, landscape and/or environmental impacts on the surrounding areas. For applications No. A/NE-MKT/25 and 29, the sites were subsequently covered by two of the approved similar applications (No. A/NE-MKT/56 and 62) for proposed temporary warehouse.
- 6.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. The Site and Its Surrounding Areas (Plans A-1 to A-4d)

- 7.1 The Site is:
- (a) fenced-off, generally vacant, largely hard-paved and partly covered by vegetation;
 - (b) located close to an existing watercourse to the north running in an east-west direction; and
 - (c) abutting Lin Ma Hang Road to the southeast.
- 7.2 The surrounding areas are of rural character mainly comprising warehouses, storage yards, temporary domestic structures, vegetated areas and tree clusters. To the north across the watercourse is a site with valid planning permission under application No. A/NE-MKT/62 for temporary warehouse (storage of construction materials). To the further northwest across a local road is a densely vegetated knoll zoned “Green Belt”, which is a permitted burial ground for indigenous villagers.

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided at **Appendices IV** and **V** respectively.
- 9.2 The following government bureau supports the application.

Policy Aspect

Comments of SDEV:

- (a) the application is a subsequent case of application No. A/NE-MKT/40, which was revoked on 2.5.2026 due to non-compliance with the approval conditions by the same applicant at the same location with an enlarged site area. According to the applicant, the enlarged site is required for loading/unloading and manoeuvring of vehicles. It is also noted that the proposed use under the previous application has not been implemented; and
- (b) the policy support on the previous application No. A/NE-MKT/40 is still valid and is applicable to the current application.

9.3 The following government departments do not support/have adverse comments on the application.

Land Administration

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

- (a) he has adverse comment on 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 Government land (GL) but no right of access via GL is granted to the Site;
- (c) unless and until the unlawful occupation of GL is duly rectified by the lot owners/applicant, it should be taken as his office's adverse comment on the application which must be brought to the attention of the Board when it considers the application; and
- (d) his other advisory comments are at **Appendix V**.

Agriculture

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

- (a) as the Site processes potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and
- (b) the Site falls within the "AGR" zone and is generally vacant with some structures. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

10. Public Comments Received During Statutory Publication Period

On 28.11.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Amongst them, three comments from the Indigenous Inhabitant Representative of Muk Wu and two individuals object to the application mainly on the grounds that there is lack of justification for an increase in extent of the business operation at the Site; and the proposed use will cause adverse traffic and ecological impacts on the surrounding areas, as well as pose risks to pedestrian safety and induce environmental nuisance to nearby residents. The remaining comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) 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 possess potential for agricultural rehabilitation. Noting that the majority of the Site is covered by a previously approved application (No. A/NE-MKT/40) for the same use submitted by the same applicant, and the enlarged site proposed under the current application is required to serve the operational need of the proposed use, SDEV advises that the policy support given to application No. A/NE-MKT/40 remains valid and is applicable to the current application. Taking into account the planning assessments below and the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land covering about 580m² (or about 68.6% of the Site) at the eastern portion of the Site and additional filling of land covering about 265m² (or about 31.4% of the Site) at the western portion with concrete to depths of about 0.2m and 2.5m respectively for site formation purpose (**Drawing A-2**). Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection has no objection to the application from the public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring 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.
- 11.3 The Site, abutting Lin Ma Hang Road to the southeast, is located in an area of rural character mainly comprising warehouses, storage yards, temporary domestic structures, vegetated areas and tree clusters (**Plans A-2 and A-3a**). The proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and advises that significant adverse impact arising from the proposed use is not anticipated.
- 11.4 Other relevant 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 concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix V** respectively. Should the application be approved, the applicant will also be advised to

follow the requirements in the ‘COP’ and implement the relevant mitigation measures to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structure erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 The majority of the Site is the subject of a previously approved application (No. A/NE-MKT/40) (**Plans A-1 and A-2**) submitted by the same applicant under the current application for the same use as detailed in paragraph 5.1 above. The planning permission was revoked on 2.5.2026 due to non-compliance with approval conditions. For the current application, the applicant has proposed to enlarge the site area of about 45.7% with a corresponding increase in the floor area of the proposed warehouse to better meet the operational need. As there is no major change in planning circumstances since the approval of the previous application, sympathetic consideration may be given to the current application. Should the application be approved by the Committee, the applicant will be advised that if there is further 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.
- 11.6 There are 13 similar applications for temporary warehouses within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). In particular, eight of them are related to the relocation of brownfield operations affected by government projects, which were approved with conditions by the Committee between July 2024 and May 2026 as detailed in paragraph 6.2 above. The planning circumstances of the current application are generally similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.7 Regarding the public comments mentioned in paragraph 10 above, the government bureau/departments’ comments and planning assessments above are relevant.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 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 drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 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 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 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) if the above planning condition (c) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) upon the expiry of the planning permission, the reinstatement of the Site, including removal of fill materials and hard paving, and grassing the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix V**.

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Member's reference:

the proposed use 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.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I
Appendix Ia

Application Form received on 20.11.2025
SPS

Appendix Ib	SI received on 21.11.2025
Appendix Ic	FI received on 22.12.2025
Appendix Id	FI received on 4.3.2026
Appendix Ie	FI received on 29.4.2026
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Drawing A-3	Drainage Proposal
Drawing A-4	Landscape Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Unmanned Aerial Vehicle Photo and Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
JUNE 2026**