

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/279

<u>Applicant</u>	: Able New Development Limited represented by R-riches Planning Limited
<u>Site</u>	: Lots 357 (Part) and 359 (Part) in D.D. 87, Hung Lung Hang, Sheung Shui
<u>Site Area</u>	: About 3,110m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Rural Workshop and Open Storage of Recyclable Materials 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 temporary rural workshop and open storage of recyclable materials 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 (**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 hard-paved, partly fenced off and currently used for the applied uses without valid planning permission (**Plans A-4a to A-4c**).
- 1.2 The Site is accessible from its west via a local road leading to Kong Nga Po Road (**Plan A-2**). According to the applicant, the applied uses consist of a total area of about 224m² for open storage of plastic and metal recyclable materials, and seven single-storey temporary structures with building heights (BH) of about 7.5m and a total floor area of about 1,320m² for storage of recyclable materials, rural workshop and loading/unloading (L/UL) area. The remaining uncovered area will be used for circulation area and parking spaces. Four parking spaces for private cars (5m (L) x 2.5m (W)) and two L/UL spaces for container vehicles (16m (L) x 3.5m (W)) will be provided at the Site. A 7.3m-wide ingress/egress for vehicles is proposed at the western boundary of the Site. A 2.5m high metal fence will be erected along the boundaries of the Site. According to the applicant, the applied uses are for processing plastic and metal recyclable materials. After unloading at the covered L/UL area, the recyclable materials will be stored at the open storage area and then transferred to the rural workshop for recycling procedures, including sorting,

crushing, shredding and packaging. The processed recyclable materials will be stored within covered structures before being transported to other destinations. The stacking height of open storage materials will not exceed 3m. No storage of dangerous goods will be carried out at the Site at any time during the planning approval period. The operation hours are between 8:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant also applies for regularisation of filling of land of the entire site with concrete to a depth of not more than 0.2m for site formation purposes to facilitate open storage, vehicular manoeuvring and erection of temporary structures¹. No further filling of land will be carried out at the Site. The land filling plan submitted by the applicant is shown in **Drawing A-2**. According to the applicant, the existing traffic management measures (e.g. deployment of on-site management staff and installation of traffic signs to ensure pedestrian safety) and drainage facilities implemented at the Site shall be properly maintained. Besides, all processing workshop activities will be fully confined within the enclosed structures. The updated fire service installations (FSIs) proposal and accepted drainage proposal submitted by the applicant are shown in **Drawings A-3** and **A-4** respectively.
- 1.4 The Site is the subject of a previous application (No. A/NE-FTA/246) (**Plan A-1**) submitted by the same applicant for proposed temporary open storage of construction material and machinery, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 25.10.2024, as detailed in paragraph 6.1 below. Compared with the previous application (No. A/NE-FTA/246), the current proposal mainly involves an additional use (i.e. rural workshop), increases in number of structures, total floor area, BH, parking and L/UL spaces, as well as revisions to the development layout. A comparison of the major development parameters of the current application and the previous application (No. A/NE-FTA/246) is summarised as follows:

Major Development Parameters	Approved Scheme under Application No. A/NE-FTA/246 (a)	Revised Scheme under Current Application (b)	Differences (b) – (a)
Applied Use	Temporary Open Storage of Construction Material and Machinery and Associated Filling of Land	Temporary Rural Workshop and Open Storage of Recyclable Materials with Ancillary Facilities and Associated Filling of Land	Additional use involved
Site Area (about)	3,110m ²	3,110m ²	No change
No. of Structures	1	7	+6 (+600%)
Total Floor Area (about)	216m ²	1,320m ²	+1,104m ² (+511%)
BH	5m	7.5m	+2.5m (+50%)
No. of Storeys	1	1	No change

¹ The site level of the Site is about 25.7mPD to 26.1mPD. The same land filling proposal has been applied under the previously approved application No. A/NE-FTA/246.

Major Development Parameters	Approved Scheme under Application No. A/NE-FTA/246 (a)	Revised Scheme under Current Application (b)	Differences (b) – (a)
No. of Parking Spaces			
• Private Car	2	4	+2
No. of L/UL Spaces			
• Medium goods vehicle	1	-	-1
• Container vehicle	-	2	+2

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

- (a) Application Form received on 15.5.2026 **(Appendix I)**
- (b) Supplementary Planning Statement (SPS) received on 15.5.2026 **(Appendix Ia)**
- (c) Further Information (FI) received on 11.6.2026* **(Appendix Ib)**
- (d) FI received on 29.6.2026* **(Appendix Ic)**

** accepted and exempted from the 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, SPS and FIs at **Appendices I to Ic**, as summarised below:

- (a) there is acute shortage of open storage space in the New Territories and the applied uses will support the logistics industry;
- (b) the applied uses are temporary in nature and approval of the application would better utilise land resources and not frustrate the long-term planning intention of the “AGR” zone;
- (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), which is considered suitable for open storage and port back-up uses;
- (d) the applied uses are considered not incompatible with the surrounding areas which are dominated by warehouses, open storage yards, workshops, etc. There are approved applications (e.g. No. A/NE-FTA/273) for similar uses in the vicinity of the Site;
- (e) the Site is the subject of a previously approved application (No. A/NE-FTA/246) submitted by the same applicant for open storage use. The updated FSIs proposal, accepted drainage proposal with photographic records of the existing drainage facilities, and implemented traffic management measures under the previous application are submitted in support of the application. The site formation has been completed and no further land filling will be required;
- (f) should the application be approved, the applicant will strictly comply with all environmental protection/pollution control ordinances at all times during the planning approval period; and will follow the requirements in the ‘Code of Practice on Handling

the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to minimise adverse environmental impacts and nuisance to the surrounding areas; and

- (g) should the application be approved, the applicant will submit application for Short Term Waiver (STW) to the Lands Department (LandsD) and cease occupation of Government land (GL).

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 posting site notice and sending a notice to Ta Kwu Ling Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

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/246) submitted by the same applicant for proposed temporary open storage of construction material and machinery, which was approved with conditions by the Committee on 25.10.2024 mainly on the considerations that the application site was reclassified from Category 3 to Category 2 areas under TPB PG-No. 13G; the application generally complied with TPB PG-No. 13G in that no major adverse departmental comments were received; and the concerns of the relevant government departments could be addressed through the implementation of approval conditions. The planning permission remains valid until 25.10.2027. Compared with the previous application, the current application mainly involves an additional use (i.e. rural workshop), revisions to the development layout as well as changes in development parameters, as detailed in paragraph 1.4 above.

- 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 is no similar application for temporary rural workshop within the same “AGR” zone.
- 7.2 There are nine similar applications (No. A/NE-FTA/242, 244, 245, 251, 260, 264, 269, 270 and 273) for temporary open storage 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 similar considerations as mentioned in paragraph 6.1 above.

- 7.3 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) hard-paved, partly fenced off and currently used for the applied uses without valid planning permission; and
- (b) accessible via a local track to the west leading to Kong Nga Po Road.

- 8.2 The surrounding areas are rural in character comprising open storage yards, warehouses, temporary structures, a pigsty, intermixed with vacant land and tree clusters. A cluster of proposed/existing open storage yards with valid planning permissions (applications No. A/NE-FTA/251, 260, 264, 269 and 270) largely surrounds the Site to the immediate north, west and south. There is a watercourse adjoining the eastern and southern boundaries of the Site.

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) the following irregularity covered by the subject planning application has been detected by his office:

(i) Unauthorised structures within Lots 357 and 359 in D.D. 87 covered by the planning application

there are unauthorised structures on Lots 357 and 359 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;

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

(i) Unlawful occupation of GL adjoining Lots 357 and 359 in D.D. 87 not covered by the planning application

the GL adjoining Lots 357 and 359 in D.D. 87 has been fenced off/illegally occupied 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 the 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;

(e) 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 applied uses are temporary in nature, only erection of temporary structures will be considered;

(f) 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

- (g) 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.

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 for container vehicles etc., should the application be approved, it is suggested to impose approval conditions on the implementation and maintenance of traffic management measures; and
- (c) her advisory comments are at **Appendix VI**.

11. Public Comment Received During Statutory Publication Period

On 22.5.2026, the application was published for public inspection. During the statutory public inspection period, one public comment from an individual was received (**Appendix VII**) objecting to the application mainly on the grounds that the Site involves suspected unauthorised structures and unlawful occupation of GL; the approval conditions of the previous application have not been fully complied with; and the Site is in close proximity to a watercourse.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary rural workshop and open storage of recyclable materials 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 applied 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 applied uses with associated filling of land on a temporary basis of three years.
- 12.2 The application involves regularisation of filling of land of the entire site with concrete to a depth of not more than 0.2m for site formation purposes to facilitate open storage, vehicular manoeuvring and erection of temporary structures (**Drawing A-2**). 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 the Director of Environmental Protection (DEP) has no comment on the regularisation of filling of land 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 greenery of the area is recommended should the Committee decide to approve the application.

- 12.3 The Site, which is hard-paved, partly fenced off and currently used for the applied uses without valid planning permission, is situated in an area of rural character comprising open storage yards, warehouses, temporary structures, a pigsty, intermixed with vacant land and tree clusters (**Plans A-2 to A-4c**). A cluster of proposed/existing open storage yards with valid planning permissions (applications No. A/NE-FTA/251, 260, 264, 269 and 270) largely surrounds the Site to the immediate north, west and south (**Plan A-2**). The applied uses are considered not entirely incompatible with the surrounding land uses and no distinctive landscape resources and mature trees are observed within the Site.
- 12.4 While DEP has no objection to the application as no domestic dwellings are identified within 100m from the site boundary and 50m from the access road, the Site was the subject of four substantiated environmental complaints concerning construction dust emission and machine noise in the past three years. In this regard, the applicant has committed to strictly follow the ‘COP’ and comply with all environmental protection/pollution control ordinances at all times to minimise dust impacts and noise nuisance. 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.
- 12.5 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 implementation and maintenance of the proposed traffic management measures, taking into consideration the location of the Site and requirement for vehicular access for container vehicles. 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.
- 12.6 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.
- 12.7 The Site is the subject of a previously approved application (No. A/NE-FTA/246) submitted by the same applicant for temporary open storage use (**Plan A-1**) as mentioned in paragraph 6.1 above. In addition, there are nine 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 7.2 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.

- 12.8 Regarding the public comment mentioned 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 comment mentioned in paragraph 11 above, the Planning Department 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 10.7.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the site shall be maintained properly and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 10.10.2026;
- (c) 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 10.4.2027;
- (d) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 10.4.2027;
- (e) in relation to (d) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (f) if any of the above planning condition (a) or (e) 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 (b), (c) or (d) 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 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 applied uses with associated filling of land 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

Appendix I	Application Form received on 15.5.2026
Appendix Ia	SPS received on 15.5.2026
Appendix Ib	FI received on 11.6.2026
Appendix Ic	FI received on 29.6.2026
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 Comment
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	FSIs proposal
Drawing A-4	Drainage Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photo
Plans A-4a to A-4c	Site Photos