

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/840

<u>Applicant</u>	: Able New Development Limited represented by R-riches Planning Limited
<u>Site</u>	: Lots 1161 S.B RP (Part) and 1162 (Part) in D.D. 82, Ta Kwu Ling
<u>Site Area</u>	: About 4,177m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP) No. S/NE-TKL/14
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Open Storage of Construction Materials and Machinery 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 open storage of construction materials and machinery 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 “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is hard-paved, fenced-off and being used as the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Ping Che Road (**Plan A-2**). According to the applicant, about 2,417m² or 57.9% of the Site is intended for open storage of construction materials (scaffold, bricks, tiles, column, screws, etc.) and machinery (tampering rammer, generator, elevated platform, etc.). The applied use also involves a single-storey structure of about 5m in height with a total floor area of about 216m² for ancillary facilities, including site office and washroom. No storage of dangerous goods and workshop activities will be allowed at the Site at any time during the planning approval period. Two parking spaces for private cars (2.5m (W) x 5m (L) each) and one loading/unloading (L/UL) bay for medium goods vehicle (MGV) (3.5m (W) x 11m (L)) are provided within the Site. The applicant also applies for regularisation of filling of land at the entire site with concrete of not more than 0.2m in depth (i.e. the site level is +11.7mPD) to facilitate a flat surface for parking and L/UL space, open storage and circulation space uses. No further filling of land will be carried out at the Site. The applicant proposes traffic management measures including erecting warning signs and

deploying staff to direct vehicles entering/exiting the Site to ensure pedestrian safety. The operation hours 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 and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively. The applicant has also submitted drainage and fire service installations (FSIs) proposals in support of the application. The submitted drainage plan and FSIs plan are shown in **Drawings A-3** and **A-4** respectively.

- 1.3 The Site is the subject of a previous application No. A/NE-TKL/763 submitted by the same applicant for the same use as the current application, which was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 4.10.2024. The planning approval was subsequently revoked on 4.7.2026 due to non-compliance with approval conditions. Details of the previous application are set out in paragraph 6.1 below. Compared with the previously approved application No. A/NE-TKL/763, the current application mainly involves reduction of site area (-793m²/-16.0%) and open storage area (-488m²/-16.8%), and removal of L/UL bay for LGV (-1/-100%).
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 18.5.2026 **(Appendix I)**
 - (b) Further Information (FI) received on 23.6.2026* **(Appendix Ia)**
 - (c) FI received on 6.7.2026* **(Appendix Ib)**
- * 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 and FIs at **Appendices I** to **Ib**, as summarised below:

- (a) the Site falls within the 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). Approval of the current application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone and could better utilise precious land resources in the New Territories. The applied use could also support the local warehousing and storage industry;
- (b) the applied use is not incompatible with the surrounding areas dominated by temporary structures for warehouses, open storage yards, paved vacant land, etc. There are similar planning approvals within the same “AGR” zone on the OZP. Approval of the application will not set an undesirable precedent within the “AGR” zone;
- (c) the Site is the subject of a previously approved application No. A/NE-TKL/763 submitted by the same applicant for the same use as the current application. The development parameters of the current application are revised to meet operational needs. The applicant has made effort in complying with approval conditions under the previous application in relation to drainage, fire safety and traffic aspects. While the applicant is carrying out works for implementation of the drainage proposal, there is not enough time to complete the works within the time limit. Besides, the applicant is liaising with respective land owner(s) to submit Short Term Waiver (STW) application to the Lands Department for the erection of structures at the Site where FSIs will be installed. The applicant commits to comply with all approval conditions and adhere to the approved layout once the application is approved; and

- (d) adverse traffic impact is not envisaged. The applicant will comply with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) to minimise adverse environmental impacts and nuisances to the surrounding areas. All environmental protection/pollution control ordinances will be complied with at all times during the planning approval period.

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 of the Town Planning Ordinance (TPB PG-No. 31B) by posting site notice and sending notice to Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Town Planning Board Guidelines**

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the 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 Site is currently 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-TKL/763 submitted by the same applicant for the same use as the current application, which was approved with conditions for a period of three years by the Committee on 4.10.2024 mainly on the considerations that the application generally complied with the TPB-PG No. 13G in that there were no major adverse departmental comments and concerns of the relevant government departments could be addressed through imposition of approval conditions. While the applicant complied with the approval conditions on the provision of fire extinguishers and submission of drainage and FSIs proposals, the planning approval was subsequently revoked on 4.7.2026 due to non-compliance with approval conditions in relation to implementation of the drainage and FSIs proposals and traffic management measures.

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

7. **Similar Applications**

7.1 There are 19 similar applications (No. A/NE-TKL/671, 690, 695, 707, 724, 734, 743, 745, 746, 758, 761, 786, 806, 807, 815, 821, 833, 836 and 838) involving 14 sites for temporary open storage use for a period of three years within the “AGR” zone in the vicinity of the Site in the past five years. 18 of these applications falling within the Category 2 areas under TPB PG-No. 13F/13G were approved with conditions by the Committee between 2021 and 2026 mainly on the similar considerations as mentioned in paragraph 6.1 above.

- 7.2 The remaining application No. A/NE-TKL/690 which fell within the Category 3 areas under the then TPB PG-No.13F was rejected by the Committee on 14.1.2022 mainly on the grounds that there was no strong justification for a departure from the planning intention; and the applicant failed to demonstrate that the proposed use would not cause adverse traffic impact on the surrounding areas. The site was subsequently reclassified as Category 2 areas and covered by one of the approved similar applications (i.e. No. A/NE-TKL/743) for temporary open storage use as mentioned in paragraph 7.1 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-4b)

- 8.1 The Site is:
- (a) hard-paved, fenced-off and being used as the applied use without valid planning permission; and
 - (b) accessible via a local track leading to Ping Che Road.
- 8.2 The surrounding areas are of rural character comprising mainly storage/open storage yards, active agricultural land, domestic structures and vacant land. Two “Green Belt” zones are located to the southeast and further north 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 the recommended advisory clauses are provided at **Appendices V** and **VI** respectively.
- 10.2 The following government departments have adverse comments on or do not support the application:

Agriculture

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

- (a) the application is not supported from agricultural perspective; and
- (b) the Site falls within the “AGR” zone, and is generally vacant with sundries. 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. The Site possesses potential for agricultural rehabilitation.

Environment

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

- (a) he is unable to support the application from environmental planning perspective since heavy vehicle is involved and domestic dwellings are identified within 100m from the site boundary;
- (b) regarding the proposed regularisation of filling of land, since no further filling of land will be carried out under the application, he has no comment from environmental planning perspective;
- (c) no substantiated environmental complaint against the Site was received in the past three years; and
- (d) his advisory comments are at **Appendix VI**.

10.3 The following government department provides views on the application:

Traffic

10.3.1 Comments of the Commissioner for Transport (C for T):

- (a) she has no comment on the application;
- (b) taking into consideration road safety and road management, an approval condition on implementation of traffic management measures, as proposed by the applicant, should be included. Also, the implemented traffic management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 26.5.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received from the World Wide Fund-Hong Kong and an individual objecting to the application mainly on the grounds that the Site is subject to vegetation clearance with suspected illegal change of land use; the applied use is not in line

with the planning intention; the Site retains potential for restoration to agricultural use as there is a pond within and near the Site; there are active farmlands in the vicinity of the Site; and that approval conditions under the previous planning approval were not complied with (**Appendix VII**).

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction materials and machinery with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 12.2 The application involves regularisation of filling of land at the Site with concrete of not more than 0.2m in depth as detailed in paragraph 1.2 above. 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 has no objection to the application from public drainage perspective, while DEP has no comment on the 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 is located in an area of rural character comprising mainly storage/open storage yards, active agricultural land, domestic structures and vacant land. The applied use is considered not entirely incompatible with the surrounding land uses.
- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with TPB PG-No. 13G in that relevant government departments consulted have no objection to or no adverse comment on the application. DEP is unable to support the application as the applied use involves the use of heavy vehicles and domestic dwellings within 100m from the site boundary are identified. In this regard, the applicant commits to follow the ‘COP’ and all environmental protection/pollution control ordinances. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the ‘COP’ to minimise any possible environmental nuisance. While C for T has no comment on the application, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures in consideration of road safety and road management. To address the technical requirements of other concerned departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 The Site is the subject of a previously approved application No. A/NE-TKL/763 submitted by the same applicant for the same use as the current application as detailed in paragraph 6.1 above. The planning permission was subsequently revoked on 4.7.2026 due to non-compliance with approval conditions in relation to implementation of the drainage and FSIs proposals and traffic management measures. Compared with the previously approved application, the current application mainly involves reduction of site area and open storage area, and removal of L/UL bay for LGV. Should the Committee decide to approve the application, the applicant will be advised that should the applicant

fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 12.6 There are 18 approved similar applications for temporary open storage use within the “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 12.7 Regarding the public comments on the application as detailed in paragraph 11 above, the government departments’ comments and planning assessments above are relevant. Regarding the Site has potential for restoration to agricultural use, the applicant responds that there are no active agricultural activities or pond at the Site. Should the Committee decide to approve the application, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission is recommended.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments 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 implementation of the accepted 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 10.4.2027;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the implementation of the accepted 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 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 (e) 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 (b) 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 (a), (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 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 use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form with Attachments received on 18.5.2026
Appendix Ia	FI received on 23.6.2026
Appendix Ib	FI received on 6.7.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Application
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Drainage Plan
Drawing A-4	FSIs Plan
Plan A-1	Location Plan
Plan A-2	Site Plan

Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

PLANNING DEPARTMENT
JULY 2026