

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/281

<u>Applicant</u>	: Kwong Kei Lee Hardware
<u>Site</u>	: Lots 360A S.A (Part), 360A RP (Part), 360B S.A (Part), 360B RP (Part), 360C S.A (Part), 360C RP (Part), 360D S.A (Part) and 360D RP (Part) in D.D. 87 and Adjoining Government Land (GL), Ta Kwu Ling, Sheung Shui
<u>Site Area</u>	: About 2,633m ² (including GL of about 153m ² , or about 6% of the Site)
<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 Warehouse and Open Storage of Construction 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 warehouse and open storage of construction 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, fenced off and currently used for the applied uses without valid planning permission (**Plans A-4a and A-4b**).
- 1.2 The Site is accessible from its south 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 705m² (about 27% of the Site) for open storage of construction materials, and five single-storey temporary structures with building heights (BH) of not more than 6m and a total floor area of about 651m² for warehouses, rain shelters with ancillary solar panels on the rooftop and a portable toilet. One parking space for private car (5m (L) x 2.5m (W)) and one loading/unloading (L/UL) space for light goods vehicle (LGV) (7m (L) x 3.5m (W)) will be provided at the Site. A 6m-wide ingress/egress for vehicles is proposed at the southern boundary of the Site. Metal fence of 1m to 3m high will be erected along the boundaries of the Site. No workshop activities or storage of dangerous goods will be carried out at the Site at any time during the planning approval period. The operation

hours are between 9:00 a.m. and 6:00 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 filling of land of the entire site with concrete to a depth of not more than 0.2m for site formation purpose¹. According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site to avoid vehicles queuing back onto the local road; traffic signs and flashing lights will be installed at the ingress/egress to ensure pedestrian safety; and staff will be deployed to manage vehicles entering/exiting the Site and prevent illegal parking.
- 1.4 The Site is the subject of a previous application (No. A/NE-FTA/244) (**Plans A-1 and A-2**) submitted by a different applicant for proposed temporary open storage of construction materials, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 6.12.2024, as detailed in paragraph 6.3 below. The planning permission was subsequently revoked on 6.12.2025 due to non-compliance with approval conditions. Compared with the previous application, the current proposal mainly involves an additional use (i.e. warehouse), increases in site area, number of structures, total floor area, BH, parking spaces, as well as revisions to the development layout. 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-FTA/244 (a)	Revised Scheme under Current Application (b)	Differences (b) – (a)
Applied Use	Temporary Open Storage of Construction Materials and Associated Filling of Land	Temporary Warehouse and Open Storage of Construction Materials with Ancillary Facilities and Associated Filling of Land	Additional use involved
Site Area (about)	1,917m ²	2,633m ²	+716m ² (+37%)
• GL included (about)	-	153m ²	+153m ²
No. of Structures	2	5	+3 (+150%)
Total Floor Area (about)	230m ²	651m ²	+421m ² (+183%)
BH (not more than)	5m	6m	+1m (+20%)
No. of Storey	1	1	No change
No. of Parking Space • Private Car	-	1	+1
No. of L/UL Space • LGV	1	1	No change

¹ According to our records, planning permission for associated filling of land with an area of about 1,917m² (or about 73% of the Site) was previously granted under Application No. A/NE-FTA/244. The applicant also seeks to regularise the previous land filling activities at the Site (**Appendix Ib**).

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

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|-----|---|----------------------|
| (a) | Application Form with attachments received on 29.5.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 2.6.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 13.7.2026* | (Appendix Ib) |
| (d) | FI received on 15.7.2026* | (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, SI and FIs at **Appendices I to Ic**, as summarised below:

- (a) 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);
- (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 applied uses are considered not incompatible with the local character which are predominated by open storage yards, warehouses, logistics centres, etc.;
- (d) the applied uses could meet the surging demand for land for storage and port back-up uses, which is driven by ongoing government land resumption projects for public housing development and new development areas;
- (e) the applied uses would not induce adverse traffic, environmental and landscape impacts. Should the application be approved, the applicant will strictly comply with all environmental protection/pollution control ordinances and guidelines at all times during the planning approval period; and submit drainage and fire service installations (FSIs) proposals to alleviate possible adverse impact arising from the applied uses; and
- (f) should the application be approved, the applicant will submit applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD).

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. For the GL portion of the Site, TPB PG-No. 31B is not applicable.

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 subject to active planning enforcement action against an unauthorized development (UD) involving storage use (including deposit of containers) (No. E/NE-FTA/231) (**Plan A-2**). An Enforcement Notice (EN) was issued on 6.7.2026 to the concerned land owners requiring discontinuation of the UD. If the EN is not complied with, prosecution action would be considered by the Planning Authority.

6. **Previous Applications**

- 6.1 The Site is the subject of three previous applications (No. A/NE-FTA/195, 205 and 244) submitted by three different applicants for various uses. Amongst them, application No. A/NE-FTA/205 for proposed temporary animal boarding establishment (dog kennel) was approved with conditions by the Committee on 27.8.2021. The planning permission was subsequently revoked on 27.2.2023 due to non-compliance with approval conditions. Its considerations are not applicable to the current application which involves a different use.
- 6.2 Application No. A/NE-FTA/195 for proposed temporary warehouse and open storage of containers was rejected by the Committee on 6.3.2020 for the reasons of not being in line with the planning intention of the “AGR” zone and no strong planning justification for a departure from the planning intention; being failed to demonstrate that the proposed use would not induce traffic impacts on the surrounding areas; setting an undesirable precedent for similar application within the “AGR” zone; and not complying with the then Town Planning Board Guidelines No. 13E in that the site fell within Category 3 areas.
- 6.3 Application No. A/NE-FTA/244 for proposed temporary open storage of construction materials was approved with conditions by the Committee on 6.12.2024 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 was subsequently revoked on 6.12.2025 due to non-compliance with approval conditions relating to submission and implementation of drainage and FSIs proposals. Compared with the last previous application, the current application mainly involves an additional use (i.e. warehouse), revisions to the development layout as well as changes in development parameters, as detailed in paragraph 1.4 above.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown in **Plans A-1** and **A-2**.

7. Similar Applications

- 7.1 There are 13 similar applications (No. A/NE-FTA/242, 245, 246, 251, 253, 257, 260, 264, 269, 270, 273, 275 and 279) involving 10 sites for temporary warehouse and/or 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 6.3 above.
- 7.2 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 currently used for the applied uses without valid planning permission; and
 - (b) accessible via a local track to the south 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 warehouses and open storage yards with valid planning permissions (applications No. A/NE-FTA/251, 253, 264, 270 and 279) largely surrounds the Site to the north and west. There is a watercourse adjoining the northern boundary 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) no consent is given for inclusion of GL in the Site;
- (d) the following irregularities partly covered by the subject planning application have been detected by his office:

- (i) Unauthorised structures within Lots 360A S.A, 360A RP, 360B RP (Part) and 360C S.A (Part) in D.D. 87 covered by the planning application

there are unauthorised structures on Lots 360A S.A, 360A RP, 360B S.A, 360B RP, 360C S.A, 360C RP, 360D S.A and 360D RP in D.D. 87 which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD;

- (ii) Unlawful occupation of GL adjoining Lots 360B S.A, 360C RP and 360D RP in D.D. 87 covered by the planning application

the GL within the Site has been fenced off/illegally occupied without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). The lot owner(s) should immediately cease the illegal occupation of GL. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

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

- (i) Unauthorised structures within 360B S.A, 360B RP (Part), 360C S.A (Part), 360C RP, 360D S.A, 360D RP and 360E in D.D. 87 not covered by the planning application

there are unauthorized structures within/extended from the private lots concerned which are not covered by the subject planning application. 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;

- (ii) Unlawful occupation of GL adjoining Lots 360D S.A and 360D RP in D.D. 87 not covered by the planning application

the GL adjoining Lots 360D S.A and 360D RP 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 Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (f) the lot owner(s)/applicant shall remove the unauthorised structures and cease the illegal occupation of GL not covered by the subject planning application immediately, or include the unauthorised structures in the subject planning application for further consideration by the relevant government departments and, 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 Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the proposed structure(s) and the occupation of the GL. The application(s) for STW and STT 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 the STW/STT will be subject to such terms and conditions including the payment of backdated waiver fee/rent 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;
- (g) 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
- (h) his 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;
- (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; and
- (c) 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 from traffic engineering perspective;
- (b) taking into consideration the location of the Site and the existing traffic conditions of Kong Nga Po Road, should the application be approved, it is suggested to impose approval conditions on the submission, implementation and maintenance of traffic management measures; and
- (c) her advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 5.6.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VII**). An individual objects to the application mainly on the grounds that the Site is the subject of a previously revoked application; and compared with the previous application, the current application involves a larger site with GL and an additional use without justification. The remaining comment from a member of the North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary warehouse and open storage of construction 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 filling of land of the entire site with concrete to a depth of not more than 0.2m for site formation purpose. 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 has no comment on the proposed associated filling of land from environmental perspective subject to implementation of mitigation measures as listed in the Recommended Pollution Control Clauses (RPCC) for Construction Contracts. 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, 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-4b**). A cluster of proposed/existing warehouses and open storage

yards with valid planning permissions largely surrounds the Site to the north and west (**Plan A-2**). The applied uses are considered not entirely incompatible with the surrounding land uses. Noting that significant adverse landscape impact arising from the proposed use is not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.

- 12.4 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 comment on the application from traffic engineering perspective, she recommends imposing approval conditions on the submission, implementation and maintenance of the proposed traffic management measures, taking into consideration the location of the Site and the existing traffic conditions of Kong Nga Po Road. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental nuisances on the surrounding areas, and to implement relevant mitigation measures listed in the RPCC for Construction Contracts during land filling. Regarding DLO/N, LandsD's concerns on the unauthorized structures and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 The Site falls within Category 2 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.
- 12.6 The Site is the subject of a previously approved application (No. A/NE-FTA/244) submitted by a different applicant for temporary open storage use (**Plans A-1 and A-2**) as mentioned in paragraph 6.3 above. In addition, there are 13 approved similar applications for temporary warehouse and/or open storage use within the same "AGR" zone (**Plan A-1**) as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comments 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 comments mentioned in paragraph 11 above, PlanD has no objection to the application.
- 13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 24.7.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a 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 24.1.2027;
- (b) in relation to (a) above, the implementation of the 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 24.4.2027;
- (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 installation 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 24.1.2027;
- (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 24.4.2027;
- (f) the submission of revised traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 24.1.2027;
- (g) in relation to (f) above, the implementation of the revised traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 24.4.2027;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (c) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning condition (a), (b), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix 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 with attachments received on 29.5.2026
Appendix Ia	SI received on 2.6.2026
Appendix Ib	FI received on 13.7.2026
Appendix Ic	FI received on 15.7.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2026**