

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-HLH/92

<u>Applicants</u>	: Mr. CHU Wai Lam and Ms. LEE Lan Ying
<u>Site</u>	: Lot 442 (Part) in D.D. 87 and Adjoining Government Land (GL), Hung Lung Hang
<u>Site Area</u>	: About 6,993m ² (including GL of about 673m ² , or about 10% of the Site)
<u>Lease</u>	: (a) Block Government Lease (demised for agricultural use) (b) Letter of Approval (LoA) No. 6420 for the purposes of watchman sheds, chicken sheds, hatchery, shade, agricultural storage and agricultural kitchen
<u>Plan</u>	: Approved Hung Lung Hang Outline Zoning Plan (OZP) No. S/NE-HLH/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Temporary Warehouse and Open Storage of Construction Materials and Scrap Metal with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary warehouse and open storage of construction materials and scrap metal with ancillary facilities 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 requires planning permission from the Town Planning Board (the Board). The Site is largely hard-paved¹ with some trees, 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 south via a local road leading to Kong Nga Po Road (**Plan A-2**). According to the applicants, the applied uses consist of 12 single-storey temporary structures with building height (BH) of not more than 6.5m and a total floor area of about 2,242m² for warehouse for storage of processed construction materials and scrap metal, ancillary office and toilet uses. An area of about 694m² (about 10% of the Site) is for open storage of construction materials and scrap metal. One parking space for private car (5m (L) x 2.5m (W)) and one parking or loading/unloading space for heavy goods vehicle (11m (L) x 3.5m (W)) will be provided at the Site. A 6m-wide

¹ According to record, the Site zoned “AGR” has been hard-paved before the date of imposing a land filling clause pertaining to the zone under the draft Hung Lung Hang OZP No. S/NE-HLH/5 gazetted on 29.4.2005.

ingress/egress for vehicles is proposed at the southern boundary of the Site. Metal fence of 2 to 3.5m high will be erected along the boundaries of the Site. No maintenance or workshop activities 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 applicants is shown in **Drawing A-1**.

- 1.3 According to the traffic management measures proposed by the applicants, 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. According to the applicants, the existing trees within the Site, including those along the southwestern site boundary, will be retained, and no tree felling will be involved.
- 1.4 In support of the application, the applicants have submitted the following documents:
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|-----|--|----------------------|
| (a) | Application Form with attachments received on 4.6.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 8.6.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 6.7.2026* | (Appendix Ib) |
| (d) | FI received on 13.7.2026* | (Appendix Ic) |
| (e) | FI received on 19.7.2026* | (Appendix Id) |

** accepted and exempted from the publication and recounting requirements*

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Id**, 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 surrounding areas which are dominated 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;
- (e) the applied uses would not induce adverse traffic, environmental and landscape impacts. Should the application be approved, the applicants 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 proposals to alleviate possible adverse impact arising from the applied uses; and
- (f) should the application be approved, the applicants 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 applicants are the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, 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) 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**

Parts of the Site are subject to active planning enforcement actions against unauthorized development (UD) involving storage use (enforcement cases No. E/NE-HLH/165 and 166) and storage use (including deposit of containers) (enforcement cases No. E/NE-HLH/168, 169 and 170) respectively (**Plan A-2**). Five Enforcement Notices were issued on 28.1.2026 and 30.3.2026 to the concerned land owners requiring discontinuation of the UD. Recent site inspections revealed that the storage uses were not discontinued. The site is under close monitoring by the Planning Authority.

6. **Previous Application**

The Site is not the subject of any previous application.

7. **Similar Applications**

- 7.1 There are 24 similar applications involving 19 sites for temporary warehouse and/or open storage uses within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**).
- 7.2 Amongst them, 22 similar applications (No. A/NE-HLH/51, 54, 55, 59, 60, 61, 64, 66, 68, 70, 71, 75, 76, 79, 81, 82, 83, 84, 85, 88, 89 and 90) were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2021 and 2026 mainly on the considerations that the application site was reclassified from Category 3 to Category 2 areas under TPB PG-No. 13F/13G; the application generally complied with TPB PG-No. 13F/13G in that no major adverse departmental comments were received on the application; the proposed/applied use was not entirely incompatible with the surrounding areas; and the concerns of the relevant government departments could be addressed through implementation of approval conditions.
- 7.3 The remaining two applications (No. A/NE-HLH/77 and 80), which fall within Category 3 areas under TPB PG-No. 13G, were also approved with conditions by the Committee in 2024 and 2025 mainly on the grounds that the Secretary for Development rendered policy

support to the application for relocation of brownfield operation affected by government projects; no major adverse departmental comments were received on the application; and the concerns of the relevant government departments could be addressed through implementation of approval conditions.

- 7.4 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.
- 7.5 For Members' information, application No. A/NE-HLH/91 for proposed temporary container storage yard, container vehicle park, vehicle repair workshop, logistics centre, warehouse and open storage of miscellaneous goods with ancillary facilities for a period of three years within the same "AGR" zone will also be considered at the same meeting.

8. The Site and Its Surrounding Areas (Plans A-1 to A-4c)

8.1 The Site is:

- (a) largely hard-paved with some trees, 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/storage yards, temporary structures, an outdoor radio control model car playing ground, intermixed with vacant land and tree clusters. A watercourse runs along the western boundary of the Site while another adjoins its eastern boundary. A vegetated knoll is located to the immediate southwest of the Site.

9. Planning Intention

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.

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 IV** and **V** respectively.
- 10.2 The following government departments do not support or have adverse comments on the application:

Land Administration

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

- (a) he has adverse comments on the application;

- (b) the Site comprises GL and 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. Besides, according to the vehicular access plan, the vehicular access is required to pass through other private lots, the applicants shall make their own arrangement;
- (c) no consent is given for inclusion of GL in the Site;
- (d) part of the structures on Lots 442 in D.D. 87 are covered by LoA No. 6420 for the purposes of watchman sheds, chicken sheds, hatchery, shade, agricultural storage and agricultural kitchen, but its conformity is subject to further investigation. His office reserves the rights to take necessary enforcement action if breach is detected;
- (e) the following irregularities covered by the subject planning application have been detected by his office:

- (i) Unauthorised structures within Lot 442 in D.D. 87 covered by the planning application

there are unauthorised structures on Lot 442 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;

- (ii) Unlawful occupation of GL adjoining Lot 442 in D.D. 87 with unauthorised structures covered by the planning application

the GL within the Site has been fenced off/illegally occupied with unauthorised structures without any permission. 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;

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

- (i) Unauthorised structure(s) within Lot 442 (Part) in D.D. 87 not covered by the planning application

there are unauthorised structure(s) within the portion of Lot 442 in D.D. 87 which is 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 Lot 442 in D.D. 87 not covered by the planning application

the GL adjoining Lot 442 in D.D. 87 has been fenced off/illegally occupied without permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice; and

- (g) the lot owner(s)/applicants shall either remove the unauthorised structure(s) not covered by the subject planning application and cease the illegal occupation of GL immediately, or include the unauthorised structure(s) and the adjoining GL being illegally occupied 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, apply to his office for STW and STT to permit the proposed structures. The applications 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. The STW and STT, if approved, 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)/applicants 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.

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.

Environment

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

- (a) he is unable to lend support to the application from environmental planning perspective as the applied uses involve the use of heavy vehicles and residential dwelling is identified within 50m from the access road;
- (b) no environmental complaint pertaining to the Site was received in the past three years; and
- (c) his advisory comments are at **Appendix V**.

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 requirement for vehicular access etc., 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 V**.

11. Public Comments Received During Statutory Publication Period

On 12.6.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). Two comments from World Wide Fund for Nature Hong Kong and an individual object to the application mainly on the grounds that the Site is not the subject of any previous approval; there are active farmlands in the vicinity of the Site; the Site involves suspected unlawful change of land use; the Site is in close proximity to Ping Yuen River and there is insufficient information to demonstrate that the applied uses would not result in adverse water quality and ecological impacts. 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 and scrap metal with ancillary facilities 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 Site, which is largely hard-paved with some trees, fenced off and currently used for the applied uses without valid planning permission, is situated in an area of rural character comprising open storage/storage yards, temporary structures, a radio-controlled model car racing track, intermixed with vacant land and tree clusters (**Plans A-2 to A-4c**). The applied uses are considered not entirely incompatible with the surrounding land uses. Noting that some common tree species and a possible mature tree along the southwestern boundary of the Site will be retained, and significant adverse landscape impact arising from the applied uses 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. 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 DEP is unable to lend support to the application as the applied uses involve the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected. Should the application be approved, the applicants 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 nuisance on the surrounding areas. While C for T has no adverse 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 requirement for vehicular access. Other concerned 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 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 applicants will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.4 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.
- 12.5 There are 24 similar approved applications for temporary warehouse and/or open storage uses within the same "AGR" zone (**Plan A-1**), including 22 applications with the sites falling within Category 2 areas under TPB PG-No. 13G 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.
- 12.6 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 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 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 V**.

- 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 applicants.

15. Attachments

Appendix I	Application Form with attachments received on 4.6.2026
Appendix Ia	SI received on 8.6.2026
Appendix Ib	FI received on 6.7.2026
Appendix Ic	FI received on 13.7.2026
Appendix Id	FI received on 19.7.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	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 to A-4c	Site Photos

**PLANNING DEPARTMENT
JULY 2026**