

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/66

<u>Applicant</u>	: Xiao Ming Engineering Limited represented by Goldrich Planners and Surveyors Limited
<u>Site</u>	: Lots 479 and 480 in D.D. 90, Lin Ma Hang Road, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 685m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Office and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office 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 covering 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 partly hard-paved¹, fenced-off, currently generally vacant and mainly covered by wild grass and vegetation (**Plans A-4a and A-4b**).
- 1.2 The Site is abutting Lin Ma Hang Road to the south (**Plan A-2**). According to the submission, the proposed use consists of two single-storey structures with a total floor area of about 413m² and building height of about 9m for a warehouse for storage of construction materials (including bamboo, scaffoldings, bricks, metals and sand) and ancillary office. One heavy goods vehicle (HGV) parking space (10m (L) x 3.5m (W)) is proposed within the Site. The operation hours of the proposed use are between 9:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No open storage and workshop activities will be carried out at the Site. The layout plan submitted by the applicant is shown in **Drawing A-1**.

¹ According to record, the Site zoned “AGR” has been largely formed and hard-paved before the date of the first publication in the Gazette of the notice of the draft Man Kam To Development Permission Area (DPA) Plan No. DPA/NE-MKT/1 on 30.7.2010 (**Plan A-3b**).

- 1.3 According to the applicant, a 5m-wide ingress/egress is proposed at the south of the Site and sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis for HGV and the design of vehicular run-in/out to the Site have been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendix Ic**), an advance booking of parking space will be required to prevent illegal parking; and traffic signs will be provided at the ingress/egress to ensure pedestrian safety; and on-site staff will be deployed at the ingress/egress to manage the traffic flow during operation hours. The applicant also applies for filling of land of the entire site with concrete by about 1.3m in depth² for site formation purpose (**Drawing A-2**).
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|--|------------------------|
| (a) | Application Form received on 4.6.2026 | (Appendix I) |
| (b) | Supplementary Planning Statement (SPS) | (Appendix Ia) |
| (c) | Further Information (FI) received on 8.7.2026* | (Appendix Ib) |
| (d) | FI received on 16.7.2026* | (Appendix Ic) |

** accepted and exempted from 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) the proposed use could meet the surging demand for land for warehouses in the area;
- (b) the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the “AGR” zone;
- (c) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where warehouses are commonly found along Lin Ma Hang Road;
- (d) there are similar precedent cases (applications No. A/NE-MKT/37, 39, 46, 55, 56 and 61) approved by the Rural and New Town Planning Committee (the Committee) in the same “AGR” zone. The planning circumstances of the current application are similar to the approved similar applications; and
- (e) no significant adverse impacts in terms of environmental, traffic, fire safety, drainage, etc. are anticipated. The applicant will strictly follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) issued by the Environmental Protection Department.

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)

² According to the applicant, the proposed ground level after filling of land would be +13.9mPD.

by obtaining consents of “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. **Background**

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

5. **Previous Application**

The Site is not the subject of any previous application.

6. **Similar Applications**

- 6.1 There are 15 similar applications (No. A/NE-MKT/25, 26, 29, 31, 34, 35, 37, 39, 40, 46, 55 to 57, 61 and 62) for temporary warehouses with or without associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**).
- 6.2 Amongst them, 11 applications (No. A/NE-MKT/34, 35, 37, 39, 40, 46, 55 to 57, 61 and 62)³ for proposed temporary warehouse were approved by the Committee between July 2024 and June 2026 mainly on the considerations that the application was to facilitate the relocation of business operations affected by government projects (i.e. Kwu Tung North/Fanling North, Yuen Long South and Hung Shui Kiu/Ha Tsuen New Development Areas) and the Secretary for Development had rendered policy support to the application (except for application No. A/NE-MKT/62⁴); there were no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses.
- 6.3 The remaining four applications (No. A/NE-MKT/25, 26, 29 and 31) were rejected by the Committee/the Board on review in 2023 mainly for the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; and being failed to demonstrate that the proposed use would not induce adverse traffic, drainage, landscape and/or environmental impacts on the surrounding areas. For applications No. A/NE-MKT/25 and 29, the sites were subsequently covered by two of the approved similar applications (No. A/NE-MKT/56 and 62) for proposed temporary warehouse as mentioned in paragraph 6.2 above.
- 6.4 Details of the similar applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:

³ The planning permissions under applications No. A/NE-MKT/34, 35 and 40 were revoked on 20.9.2025, 19.4.2026 and 2.5.2026 respectively, due to non-compliance with approval conditions relating to the submission and/or implementation of drainage proposal/drainage impact assessment, fire service installations proposal, and/or traffic management measures.

⁴ Though application No. A/NE-MKT/62 was not related to the relocation of affected brownfield relocation, the site has been formed, hard-paved and partly occupied by some containers before the date of the first publication in the Gazette of the draft DPA plan on 30.7.2010.

- (a) partly hard-paved, fenced-off, currently generally vacant and mainly covered by wild grass and vegetation;
- (b) situated between proposed/existing warehouses with valid planning permissions under applications No. A/NE-MKT/37, 39, 55 and 61 to its east and west; and
- (c) abutting Lin Ma Hang Road to the south.

7.2 The surrounding areas are of rural character mainly comprising warehouses, temporary domestic structures, vegetated areas and tree clusters. There are a number of warehouses covered with valid planning permissions along Lin Ma Hang Road. To the southeast across Lin Ma Hang Road are two sites with valid planning permissions under applications No. A/NE-MKT/59 and 49 for temporary shop and services with ancillary facilities and vehicle repair workshop and open storage of vehicles (coaches only) with ancillary facilities respectively.

8. Planning Intention

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and the recommended advisory clauses are provided at **Appendices III** and **IV** respectively.
- 9.2 The following government departments do not support the application.

Agriculture and Nature Conservation

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

Agriculture

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

Nature Conservation

- (c) he has no comment on the application from nature conservation perspective.

Environment

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

- (a) he is unable to lend support to the application from environmental planning perspective since use of heavy vehicle is involved and domestic dwellings are identified within 100m from the site boundary;
- (b) no comment on filling of land from environmental planning perspective subject to implementation of relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts;
- (c) no environmental complaint was received for the Site in the past three years; and
- (d) his other advisory comments are at **Appendix IV**.

9.3 The following government department provides views on the application.

Traffic

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

- (a) she has no adverse comment on the application from traffic engineering perspective;
- (b) after taking into consideration the location of the Site and the traffic conditions on Lin Ma Hang Road, should the application be approved, conditions should be included requesting the applicant to implement the proposed traffic management measures, and to maintain the implemented traffic management measures at all times during the planning approval period; and
- (c) her other advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 12.6.2026, the application was published for public inspection. During the statutory public inspection period, 15 public comments from the Indigenous Inhabitant Representative and Residential Representative of Muk Wu and 13 individuals were received (**Appendix V**), objecting to the application mainly on the grounds that the Site does not fall within Category 2 areas under the Town Planning Board Guidelines on Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G); the proposed use is not in line with the planning intention of the “AGR” zone; the applicant is not a “current land owner” of the Site; there is a lack of legitimacy and transparency in the public consultation process for the application; the proposed use will cause adverse traffic, drainage, ecological, fire safety and landscape impacts, as well as pose risks to pedestrian safety and induce

environmental nuisance to nearby residents; and the proliferation of warehouses along Lin Ma Hang Road has exerted adverse cumulative impacts on the surrounding area.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office and associated filling of land for a period of three years at the Site which is zoned “AGR” on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as the Site possess potential for agricultural rehabilitation. Nevertheless, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis for a period of three years.
- 11.2 The applicant applies for filling of land of the entire site with a depth of about 1.3m for site formation purpose (**Drawing A-2**). Filling of land within “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from the public drainage viewpoint and the Director of Environmental Protection has no comment on the filling of land from environmental planning perspective. As the Site is zoned “AGR”, an approval condition requiring reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The Site, abutting Lin Ma Hang Road to the south, is located in an area of rural character mainly comprising warehouses, temporary domestic structures, vegetated areas and tree clusters (**Plans A-2 and A-3c**). It is situated among proposed/existing warehouses with valid planning permissions to its east and west (**Plan A-2**). In addition, the Site has been largely formed, hard-paved and partly occupied by some containers before the date of the first publication in the Gazette of the notice of the draft Man Kam To DPA Plan No. DPA/NE-MKT/1 on 30.7.2010 (**Plan A-3b**). The proposed use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and advises that significant adverse landscape impact arising from the proposed use is not anticipated.
- 11.4 DEP is unable to lend support the application as the proposed use involves the use of heavy vehicles and domestic dwellings are identified within 100m from the site boundary (**Plan A-2**). Should the application be approved, the applicant will also be advised to follow the requirements in the ‘COP’ and implement the relevant mitigation measures to minimise any possible environmental nuisance. 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 traffic management measures, taking into consideration the location of the Site and the traffic conditions on Lin Ma Hang Road. Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively.

- 11.5 There are 15 similar applications covering 12 sites for temporary warehouses within the same “AGR” zone in the vicinity of the Site (**Plan A-1**). In particular, there are 11 similar applications approved by the Committee in the vicinity of the Site between July 2024 and June 2026 as detailed in paragraph 6.2 above. While there are four rejected similar applications, the planning circumstances are different from the current application in that there are no adverse comments on traffic, drainage and landscape aspects. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments mentioned in paragraph 10 above, the government departments’ comments and planning assessments above are relevant. As for the public comment expressing concern that the applicant is not a “current land owner” of the Site, the applicant has complied with the requirements as set out in TPB PG-No. 31B as mentioned in paragraph 3 above. Regarding the public comment stating that there is a lack of legitimacy and transparency in the public consultation process, the general practices adopted by the Board regarding the publication of planning application, as set out in the Town Planning Board Guidelines on Publication of Applications for Planning Permission and Review and Submission of Comments on Applications under the Town Planning Ordinance (TPB PG-No. 30C), have been followed.

12. Planning Department’s Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 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 facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 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 provision of vehicular run-in/run-out to the Site within 9 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning

Board by 24.4.2027;

- (g) 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 27.4.2027;
- (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 removal of fill materials and hard paving, and grassing the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

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

14. Attachments

Appendix I
Appendix Ia

Application Form received on 4.6.2026
SPS

Appendix Ib	FI received on 8.7.2026
Appendix Ic	FI received on 16.7.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Proposed Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3c	Unmanned Aerial Vehicle Photo and Aerial Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
JULY 2026**