

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-MKT/60**

|                           |                                                                                                 |
|---------------------------|-------------------------------------------------------------------------------------------------|
| <b><u>Applicant</u></b>   | : Ying Shing (Hopewell) Engineering Company Limited                                             |
| <b><u>Site</u></b>        | : Lot 751 S.B RP in D.D. 82, Ta Kwu Ling, New Territories                                       |
| <b><u>Site Area</u></b>   | : About 4,682m <sup>2</sup>                                                                     |
| <b><u>Lease</u></b>       | : Block Government Lease (demised for agricultural use)                                         |
| <b><u>Plan</u></b>        | : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7                                  |
| <b><u>Zoning</u></b>      | : “Recreation” (“REC”)                                                                          |
| <b><u>Application</u></b> | : Temporary Open Storage of Metal Scaffolding with Ancillary Office for a Period of Three Years |

**1. The Proposal**

- 1.1 The applicant seeks planning permission for temporary open storage of metal scaffolding with ancillary office for a period of three years at the application site (the Site) falling within an area zoned “REC” 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 requires planning permission from the Town Planning Board (the Board). The Site is currently hard-paved, fenced-off and occupied by the applied use without valid planning permission (**Plans A-4a to A-4c**).
- 1.2 The Site is abutting Ping Che Road to the east (**Plan A-2**). According to the submission, the applied use consists of two single-storey temporary structures with a floor area of about 75m<sup>2</sup> and a building height not exceeding 3m for an ancillary office, and an uncovered area (about 4,260m<sup>2</sup> or 91% of the Site) mainly for open storage of metal scaffolding and circulation areas. Two medium goods vehicle (MGV) loading/unloading (L/UL) spaces (11m (L) x 3.5m (W) each) are proposed within the Site. The operation hours of the applied use are between 9:00 a.m. and 5:00 p.m. from Mondays to Fridays, with no operation on Saturdays and Sundays including public holidays. No workshop activities will be carried out at the Site. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 According to the applicant, a 6m-wide ingress/egress is proposed at the eastern boundary of the Site and sufficient space will be provided within the Site for vehicle manoeuvring. A buffer zone (about 270m<sup>2</sup> or 5.8% of the Site), without any storage activities, has been designated in the western portion of the Site to mitigate potential environmental and

geotechnical impacts of the applied use on the surrounding areas (**Drawing A-1**). A swept path analysis for MG V has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendix Ie**), advance booking of L/UL spaces will be required to prevent illegal parking; the entrance gate will remain open during operating hours to ensure no queuing back of vehicles outside the Site; and a convex mirror, traffic signs, flashing lights and an alarm system will be provided at the ingress/egress to ensure pedestrian safety. A staff will be deployed to instruct the vehicles entering the Site to ensure vehicle and pedestrian safety. According to the applicant, landscape buffers and screening, for example perimeter planting and fencing/hoarding, will be provided/maintained to reduce visual impact.

1.4 The Site is the subject of a previous application (No. A/NE-MKT/27) for proposed temporary open storage of construction machinery and warehouse for storage of machinery parts with ancillary office for a period of three years submitted by the same applicant, which was rejected by the Board on review on 1.12.2023, as detailed in paragraph 6 below. Compared with the previous application, the current application involves open storage use only with a significant reduction in total floor area by about 93.5% (i.e. from 1,160m<sup>2</sup> to 75m<sup>2</sup>).

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

- |     |                                                      |               |
|-----|------------------------------------------------------|---------------|
| (a) | Application Form received on 12.3.2026               | (Appendix I)  |
| (b) | Supplementary Planning Statement (SPS)               | (Appendix Ia) |
| (c) | Supplementary Information (SI) received on 16.3.2026 | (Appendix Ib) |
| (d) | Further Information (FI) received on 24.3.2026*      | (Appendix Ic) |
| (e) | FI received on 8.4.2026 <sup>#</sup>                 | (Appendix Id) |
| (f) | FI received on 15.4.2026 and 17.4.2026*              | (Appendix Ie) |
| (g) | FI received on 27.4.2026*                            | (Appendix If) |

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

<sup>#</sup> *accepted but not exempted from publication and recounting requirements*

1.6 On 5.6.2026, the Committee decided to defer making a decision on the application as requested by the applicant for two months. No FI has been submitted by the applicant.

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form, SPS, SI and FIs at **Appendices I to If**, as summarised below:

- (a) the applied use could support the surging demand for storage of metal scaffolding necessary for various development projects in the Northern Metropolis. The Site has been used for the applied use for many years;
- (b) the applied use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (c) the applied use, layout, form and scale are considered not incompatible with the surrounding areas;
- (d) a Geotechnical Planning Review Report has been submitted to demonstrate that the applied use will not adversely affect any geotechnical features. The applicant will also

follow relevant requirements in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’). No significant adverse traffic, geotechnical, environmental, visual, landscape, and drainage impacts are anticipated; and

- (e) the applicant will liaise with the Lands Department (LandsD) on the land administration matters should the Committee approve the application.

### **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 notice near the Site and sending notice to the Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

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) promulgated on 14.4.2023 is relevant to the application. The Site falls within Category 3 areas under the Guidelines, relevant extract of which is at **Appendix II**.

### **5. Background**

A majority of the Site is subject to an active planning enforcement action against unauthorized development (UD) involving storage use (including deposit of containers) (No. E/NE-MKT/47) (**Plan A-2**). Enforcement Notices (ENs) were issued on 10.4.2024 to land owner and 18.11.2024 to occupier respectively. Since the UD has not been discontinued upon expiry of the ENs, prosecution action was taken. A recent site inspection revealed that the UD was not discontinued on the site. The site is currently under monitoring by the Planning Authority under the established procedures. If the ENs are still not complied with, further prosecution action would be considered.

### **6. Previous Application**

- 6.1 The Site is the subject of a previous application (No. A/NE-MKT/27) submitted by the same applicant for proposed temporary open storage of construction machinery and warehouse for storage of machinery parts with ancillary office for a period of three years, which was rejected by the Board on review on 1.12.2023 mainly on the reasons of having no strong planning justification for a departure from the planning intention of the “REC” zone; being failed to demonstrate that the proposed use would not generate adverse traffic, drainage, landscape and environmental impacts on the surrounding areas; and not complying with the TPB PG-No. 13G in that adverse comments from relevant government departments and local objections had been received.
- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

## **7. Similar Application**

- 7.1 There is a similar application (No. A/NE-MKT/54) for proposed temporary open storage of construction materials and construction machinery with ancillary facilities within the same “REC” zone in the vicinity of the Site in the past five years, which was approved by the Committee on 27.2.2026 mainly on the consideration that the application generally complied with the TPB PG-No. 13G in that policy support was rendered by the Secretary for Development to facilitate the relocation of business operation affected by government project (i.e. the Northern Link Main Line); there was no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses.
- 7.2 Details of the similar application are summarised at **Appendix IV** and its location is shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) currently hard-paved, fenced-off and occupied by the applied use without valid planning permission;
  - (b) located close to an existing watercourse to the south, running in an east-west direction; and
  - (c) abutting Ping Che Road to the immediate east.
- 8.2 The surrounding areas are of rural character mainly comprising open storage yard<sup>1</sup>, domestic structures, active/fallow agricultural land, vegetated areas and tree clusters. To the east, north and further northeast across Ping Che Road/Lin Ma Hang Road are the village proper of Kam Tau Wai within an area zoned “Village Type Development”, as well as the Ta Kwu Ling Police Station and Ta Kwu Ling Ambulance Depot both within areas zoned “Government, Institution or Community” on the Ta Kwu Ling North OZP. To the south is a site with a valid planning permission under application No. A/NE-MKT/43 for a temporary warehouse for storage of vehicle parts.

## **9. Planning Intention**

The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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<sup>1</sup> According to our record, the open storage yard to the further south of the Site along Ping Che Road (**Plans A-2 and A-3**) was in existence before the publication of the draft Man Kam To Development Permission Area Plan No. DPA/NE-MKT/1 on 30.7.2010.

## **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 object to/do not support/have concerns on the application.

### **Land Administration**

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

- (a) he objects to the application;
- (b) the Site comprises Old Schedule Agricultural Lot 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 Government Land (GL) but no right of access via GL is granted to the Site;
- (c) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office objects to the application which must be brought to the attention of the Board when it considers the application; and
- (d) his other advisory comments are at **Appendix VI**.

### **Emergency Services**

10.2.2 Comments of the Commissioner of Police (C of P):

- (a) he has concerns on the application;
- (b) the Site is situated near Ta Kwu Ling Police Station and Ta Kwu Ling Ambulance Depot. Traffic impact arising from the applied use will likely impede emergency services; and
- (c) the Site is at the major road junction of the local road network (i.e. Lin Ma Hang Road and Ping Che Road, both of which are two-way, two-lane roads), connecting Heung Yuen Wai Boundary Control Point (BCP) and Man Kam To BCP that smooth traffic flow is required. Frequent access by heavy vehicles may obstruct traffic and even block the entire carriageway, which would seriously affect emergency rescue services or responses to emergency calls.

### **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 since it involves use of heavy vehicles and domestic dwellings are identified within 100m from the Site (**Plan A-2**);
- (b) the Site was the subject of four environmental complaints between May and August 2023, involving land filling and fly-tipping of construction and demolition (C&D) waste at the Site. Site inspections revealed that land filling had been taken, and the person in charge of the works was reminded that the Waste Disposal Ordinance shall be fully complied with. The recent inspection revealed that the Site was used for open storage of metal scaffolding and no on-going land filling or fly-tipping of C&D waste activities were observed. As no violation of the environmental legislation has been identified, no enforcement action is deemed necessary; and
- (c) his other advisory comments are at **Appendix VI**.

### **Geotechnical**

#### 10.2.4 Comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) the application is not supported at this stage until the necessary remedial/reinstatement actions are completed to the satisfaction of the relevant government departments; and
- (b) since the Site will affect and be affected by suspected unauthorised works, which involve a filling platform with concrete pavement about 1.5m to 2.0m high<sup>2</sup>, and in order to ensure the safety of future users and that the applied use would not affect or be affected by the suspected unauthorised works, it is considered necessary to conduct an investigation to delineate the scale and extent of the suspected unauthorised works and to implement necessary remedial works. Nevertheless, should the application be approved, conditions should be imposed requiring the applicant to submit a geotechnical investigation report and implement the necessary geotechnical remedial works identified therein.

#### 10.3 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, and in order to ensure clearer traffic flow condition during weekends, should the application be approved, conditions should be imposed requiring that no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period, and

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<sup>2</sup> According to records, the site level of the western portion of the Site ranges from about +6.2mPD to +8.3mPD (**Plan A-2**).

requiring the applicant to implement and maintain the implemented traffic management measures at all times during the planning approval period; and

(c) her other advisory comments are at **Appendix IV**.

## **11. Public Comments Received During Statutory Publication Periods**

On 20.3.2026 and 17.4.2026, the application was published for public inspections. During the statutory public inspection periods, two public comments were received (**Appendix VII**). One individual objects to the application mainly on the reason that the applied use will cause adverse traffic, drainage, landscape and environmental impacts on the surrounding areas. 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 open storage of metal scaffolding with ancillary office for a period of three years at the Site which is zoned “REC” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “REC” zone which is primarily for recreational developments for the use of the general public, and to encourage the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 12.2 The Site, abutting Ping Che Road to the immediate east and located in an area of rural character mainly comprising domestic structures, active/fallow agricultural land, open storage yard, vegetated areas and tree clusters, is currently hard-paved, fenced-off and occupied by the applied use without valid planning permission (**Plans A-2 to A-4c**). The applied use is considered not entirely incompatible with the surrounding land uses. Noting that no tree felling is involved and landscape buffers and screening will be provided/maintained to reduce visual impact of the applied use, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 12.3 DEP is unable to lend support to the application as the applied use involves the use of heavy vehicles and domestic dwellings are identified within 100m from the site boundary (**Plan A-2**). The Site was also the subject of four environmental complaints in 2023, involving land filling and fly-tipping of C&D waste at the Site. Noting that the Site will affect and be affected by suspected unauthorised works involving a 1.5m to 2m high filling platform with concrete pavement (**Plans A-2 to A-4c**) for which no detailed geotechnical investigation and necessary remedial works have been proposed, H(GEO), CEDD does not support the application from geotechnical planning point of view. While C for T has no adverse comment on the application, subject to approval conditions restricting operation during weekends and public holidays and requiring the implementation of traffic management measures, C of P expresses concern about the application, in view that traffic impact arising from the applied use at the Site in the close vicinity of the Ta Kwu Ling Police Station and Ta Kwu Ling Ambulance Depot will likely impede emergency services (**Plans A-2 and A-3**). DLO/N, LandsD objects to the application as there are unauthorised structures and the unlawful occupation of GL at the Site. Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and

Chief Highway Engineer/New Territories East of Highways Department, have no objection to or no adverse comment on the application.

- 12.4 The Site falls within Category 3 areas under the TPB PG-No. 13G. The applied use does not comply with TPB PG-No. 13G in that the Site is not the subject of any previous approval and there are adverse departmental comments and local objection to the application. The applicant fails to demonstrate that the applied use would have no adverse geotechnical impact on the surrounding areas.
- 12.5 The Site is the subject of a previous application (No. A/NE-MKT/27) involving open storage use submitted by the same applicant (**Plan A-1**), which was rejected by the Board on review in December 2023 as detailed in paragraph 6.1. There is no major change to the planning circumstances since rejection of the previous application. Rejection of the current application is in line with the Committee's previous decision. For the similar application (No. A/NE-MKT/54) approved in the vicinity (**Plan A-1**) which is related to relocation of a brownfield operation affected by the government project as detailed in paragraph 7.1, its planning considerations are not applicable to the current application.
- 12.6 Regarding the public comments mentioned in paragraph 11 above, the government departments' comments and 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 in paragraph 11 above, PlanD does not support the application for the following reasons:
- (a) the applied use is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
  - (b) the applied use does not comply with 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) in that no previous approval has been granted to the Site and there are adverse departmental comments. The applicant fails to demonstrate that the applied use would have no adverse geotechnical impact on the surrounding areas.
- 13.2 Alternatively, 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 14.8.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

#### **Approval Conditions**

- (a) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) 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 14.2.2027;

- (c) in relation to (b) 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 14.5.2027;
- (d) in relation to (c) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (e) 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 14.2.2027;
- (f) in relation to (e) 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 14.5.2027;
- (g) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of approval to the satisfaction of the Director of Highways or of the Town Planning Board by 14.2.2027;
- (h) in relation to (g) above, 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 14.5.2027;
- (i) 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 14.5.2027;
- (j) in relation to (i) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (k) the submission of a geotechnical investigation report within 6 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board by 14.2.2027;
- (l) in relation to (k) above, the implementation of necessary geotechnical remedial works identified therein within 9 months from the date of planning approval to the satisfaction of the Director of Civil Engineering and Development or of the Town Planning Board by 14.5.2027;
- (m) if any of the above planning condition (a), (d) or (j) 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; and
- (n) if any of the above planning condition (b), (c), (e), (f), (g), (h), (i), (k) or (l) 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.

#### Advisory Clauses

13.3 The recommended advisory clauses are at **Appendix VI**.

#### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 14.3 Alternatively, 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.

#### **15. Attachments**

|                           |                                          |
|---------------------------|------------------------------------------|
| <b>Appendix I</b>         | Application Form received on 12.3.2026   |
| <b>Appendix Ia</b>        | SPS                                      |
| <b>Appendix Ib</b>        | SI received on 16.3.2026                 |
| <b>Appendix Ic</b>        | FI received on 24.3.2026                 |
| <b>Appendix Id</b>        | FI received on 8.4.2026                  |
| <b>Appendix Ie</b>        | FI received on 15.4.2026 and 17.4.2026   |
| <b>Appendix If</b>        | FI received on 27.4.2026                 |
| <b>Appendix II</b>        | Relevant Extracts of TPB PG-No. 13G      |
| <b>Appendix III</b>       | Previous Application                     |
| <b>Appendix IV</b>        | Similar Application                      |
| <b>Appendix V</b>         | Government Departments' General Comments |
| <b>Appendix VI</b>        | Recommended Advisory Clauses             |
| <b>Appendix VII</b>       | Public Comments                          |
| <b>Drawing A-1</b>        | Layout Plan                              |
| <b>Plan A-1</b>           | Location Plan                            |
| <b>Plan A-2</b>           | Site Plan                                |
| <b>Plan A-3</b>           | Aerial Photo                             |
| <b>Plans A-4a to A-4c</b> | Site Photos                              |

**PLANNING DEPARTMENT  
AUGUST 2026**