

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/136

<u>Applicant</u>	: Lok Sheng Engineering Company Limited represented by Man Chi Consultants and Construction Limited
<u>Site</u>	: Lots 1309 S.B ss.3 and 1313 RP in D.D. 78 and Adjoining Government Land (GL), Ta Kwu Ling North
<u>Site Area</u>	: About 460m ² (including GL of about 111m ² or 24.1% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Ta Kwu Ling North Outline Zoning Plan (OZP) No. S/NE-TKLN/2
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) with ancillary facilities 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 used as warehouse, open storage and parking of vehicles without valid planning permission.
- 1.2 According to the applicant, the current application is to facilitate the relocation of the business operation in Hung Shui Kiu affected by government project, i.e. the development of Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA). The affected operation involves a site area of about 300m², which was vacated in July 2023.
- 1.3 The Site is accessible via a local track leading to Lin Ma Hang Road (**Plan A-2**). According to the applicant, the applied use comprises three single-storey structures of about 3m to 6m in height and a total floor area of about 195m² for warehouse storing construction materials, an ancillary toilet and a guard kiosk. A parking space for private car (2.5m (W) x 5m (L)) and a loading and unloading (L/UL) bay for light goods vehicle (3.5m (W) x 7m (L)) will be provided. No dangerous goods will be stored at the Site. A 2m fencing will be erected along the boundary of the Site. The operation hours of the applied use are between 9:00 a.m. and 5:30 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**.

- 1.4 The applicant proposes traffic management measures including requiring pre-booking before entering the Site, installing road signs and deploying staff to manage traffic flow, prevent illegal parking and ensure pedestrian safety.
- 1.5 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 6.7.2026 **(Appendix I)**
 - (b) Further Information (FI) received on 6.8.2026* **(Appendix Ia)**
- *accepted and exempted from the publication and recounting requirements*

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FI at **Appendices I and Ia**, as summarised below:

- (a) the application is submitted to facilitate the relocation of business operation for warehouse storing construction materials affected by HSK/HT NDA Stage 2 development. The applicant has spent efforts in identifying suitable sites for relocation in Ta Kwu Ling, Fu Tei Au and Yuen Long areas, but they were considered not suitable due to various reasons such as location, site area, tenancy issue and incompatibility with surrounding environment. The Site is of a comparable scale and flat, and can be utilised immediately without substantial changes. The Site meets the applicant's urgent need and is considered as the optimal location for relocation;
- (b) the area of the Site is increased when compared to the affected site to accommodate crucial operational and safety updates including provision of a safer and more spacious working environment, and sufficient fire service installations;
- (c) the Site is the subject of a previous application for private club and the applied use involves no substantial change to site configuration. There are approved applications for similar use within the same "REC" zone. The applied use is not incompatible with the surrounding environment. Approval of the application for a period of three years would not jeopardise the long-term planning intention of the "REC" zone;
- (d) no adverse impacts on traffic, environment, drainage and landscape arising from the applied use are anticipated. The applicant will submit and implement a drainage proposal. Also, the applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') and will comply with all relevant environmental protection/pollution control ordinances. The applicant will follow the good practices stated in relevant practice notes to minimise the impact on the water quality of the nearby watercourse; and
- (e) the applicant will remove unauthorised structures and apply for Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structure(s) erected within the private lots and the occupation of GL within the Site to the Lands Department (LandsD) upon obtaining planning approval. Also, the applicant will reconfigure the Site strictly according to the proposed layout plan. All existing open storage activities will cease immediately and no open storage use will take place on the Site upon obtaining planning approval.

3. **Compliance with the ‘Owner’s Consent/Notification’ Requirements**

The applicant is the sole “current land owner” of the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the ‘Owner’s Consent/Notification’ Requirements under 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) are not applicable.

4. **Background**

Site inspection revealed that storage of construction materials was observed at the Site. Warning poster was posted on site. The Site and its vicinity are under monitoring. The Site may be subject to planning enforcement actions if sufficient evidence to prove an ‘unauthorized development’ under the Town Planning Ordinance is identified.

5. **Previous Application**

5.1 The Site is the subject of a previous application (No. A/NE-TKLN/63) submitted by a different applicant for proposed temporary private club for a period of five years, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 1.3.2024. The planning approval was revoked on 1.3.2026 due to non-compliance with approval conditions. The planning considerations of the previous application are not applicable to the current application which is for a different use.

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

6. **Similar Applications**

6.1 There are seven similar applications (No. A/NE-TKLN/77, 85, 86, 93, 114, 116 and 123) involving six sites for temporary warehouse with/without other uses for a period of three years falling within the same “REC” zone in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee between 2024 and 2026 mainly on the considerations that there were no major adverse departmental comments or concerns of relevant government departments could be addressed through imposition of approval conditions; and policy support from the Secretary for Development (SDEV) was obtained as the application was to facilitate relocation of business operation affected by government project (except application No. A/NE-TKLN/93).

6.2 Details of the similar applications are summarised at **Appendix III** 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:

- (a) currently used as warehouse, open storage and parking of vehicles without valid planning permission; and

(b) accessible via a local track leading to Lin Ma Hang Road.

7.2 The surrounding areas are of rural character comprising mainly warehouse, domestic structures (the nearest to the immediate south) and vacant land. Heung Yuen Wai Highway is located to the west of the Site.

8. Planning Intention

The planning intention of the “REC” zone is primarily for low-density 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 low-density recreational developments may be permitted subject to planning permission.

9. Comments from Relevant Government Bureau/Departments

9.1 Apart from the government bureau and departments as set out in paragraphs 9.2 to 9.4 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 IV** and **V** respectively.

9.2 The following government bureau supports the application:

Policy Aspect

9.2.1 Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation for warehouse use previously located in HSK. The brownfield operation has been affected by the Second Phase development of HSK/HT NDA;
- (b) according to the applicant, a site search was conducted with a view to identifying a suitable site for re-establishment of the affected business operation, and that the Site is considered the most suitable for relocation. Whilst the site area is larger than the original premises of the affected business operation, the applicant claims that the larger site is needed for enhancing the capacity to deliver essential services and to meet operational needs; and
- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, the application is supported from policy perspective.

9.3 The following government department objects to the application:

Land Administration

9.3.1 Comments of the District Lands Officer/North (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) the following irregularities covered by the planning application have been detected by his office:

unauthorised structure(s) within the said private lot(s) covered by the planning application

there are unauthorised structures on the private lots concerned. The lot owner/applicant should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

unlawful occupation of GL adjoining the said private lots with unauthorised structures covered by the planning application

the GL within the Site (about 111m² as mentioned in the Application Form) has been fenced-off/illegally occupied with unauthorised structure(s) without any permission. LandsD objects to the planning application since there is illegal occupation of GL which regularisation would not be considered according to the prevailing land policy. The lot owner should immediately cease the illegal occupation of GL as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (d) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owner/applicant should remove all the unauthorised structures and rectify the occupation of GL immediately as regularisation would not be considered according to the prevailing land policy;
- (e) subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owner shall apply to his office for STW to permit the structures erected/proposed to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fees 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/applicant for any breaches 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 use is temporary in nature, only erection of temporary structures will be considered; and
- (f) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner/applicant, his office's objection to the application must be brought to the attention of the Board when they consider the application.

9.4 The following government department provides views on the application:

Traffic

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

- (a) she has no comment on the application;
- (b) taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road, should the application be approved, approval conditions on submission, implementation and maintenance of traffic management measures should be included; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 14.7.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). A comment from an individual objects to the application mainly on the grounds that the Site falls within Category 3 areas under relevant Town Planning Board Guidelines; there is surplus in vacant storage premises in Hong Kong; and there is no justification to approve the application. The remaining comment from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site falling within an area zoned “REC” on the OZP. While the applied use is not in line with the planning intention of the “REC” zone, there is no known proposal for recreational development at the Site. According to the applicant, the Site is considered suitable for relocation of the business operation affected by HSK/HT NDA. In this regard, SDEV advises that the application is to facilitate relocation of a brownfield operation affected by HSK/HT NDA, and subject to no adverse comments on land use compatibility and technical aspects from concerned government departments, the application is supported from the policy perspective. Taking into account the planning assessments below and the policy support rendered by SDEV, there is no objection to the applied use on a temporary basis of three years.
- 11.2 The Site is located in an area of rural character comprising mainly warehouse, domestic structures and vacant land. Heung Yuen Wai Highway is located to the west of the Site. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective, and considers that the applied use is not entirely incompatible with the surrounding environment.
- 11.3 Other relevant government departments consulted, including the Director of Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no adverse comment on the application. C for T has no comment on the application and recommends imposing approval conditions on submission, implementation and maintenance of traffic management measures, taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road. To address the technical requirements of other concerned government departments,

relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the 'COP' to minimise any possible environmental nuisance. Regarding DLO/N, LandsD's concerns on the unauthorised structure(s) erected within the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.4 There are seven similar approved applications for temporary warehouse falling within the same "REC" zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comments on the application as detailed in paragraph 10 above, comments from the government bureau/departments and planning assessments above are relevant.

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 28.8.2029. 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 28.2.2027;
- (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 28.5.2027;
- (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 28.2.2027;
- (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 28.5.2027;
- (f) the submission of 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 28.2.2027;

- (g) in relation to (f) above, the implementation of the 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 28.5.2027;
- (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; and
- (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.

Advisory Clauses

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

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

the applied use is not in line with the planning intention of the "REC" zone which is primarily for low-density recreational developments for the use of the general public. 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	Application Form with Attachments received on 6.7.2026
Appendix Ia	FI received on 6.8.2026
Appendix II	Previous Application
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

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

PLANNING DEPARTMENT
AUGUST 2026