

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/837

- Applicant** : Hing Shing Engineering & Trading Co. Limited represented by PlanPlus Consultancy Limited
- Site** : Lots 86 (Part), 87 and 89 in D.D. 83 and Adjoining Government Land (GL), Kwan Tei North, Fanling
- Site Area** : About 4,226.9m² (including GL of about 152.9m² or 3.6% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Ping Che and Ta Kwu Ling Outline Zoning Plan (OZP)
No. S/NE-TKL/14
- Zonings** : (i) "Agriculture" ("AGR") (about 3,571.7m² or 84.5% of the Site)
(ii) "Open Storage" ("OS") (about 655.2m² or 15.5% of the Site)
- Application** : Temporary Open Storage of Recycling Materials and Metalware with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary open storage of recycling materials and metalware with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area mainly zoned "AGR" with a minor portion zoned "OS" on the OZP (**Plan A-1**). According to the Notes of the OZP, while the applied use is always permitted within the "OS" zone, temporary use or development of any land or building not exceeding a period of three years and filling of land within "AGR" zone require planning permission from the Town Planning Board (the Board). The Site is hard-paved, fenced-off and being used as the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track leading to Sha Tau Kok Road – Lung Yeuk Tau (**Plan A-2**). According to the applicant, the applied use involves about 1,300m² or 30.8% of the Site for open storage, and three single-storey structures of not more than 6m in height with a total floor area of about 343m², including a canopy for storage area, a container office with canopy above and a container for storage purpose. No sales or workshop activities will be carried out at the Site. Three parking spaces for private cars (2.5m (W) x 5m (L) each) and one loading/unloading (L/UL) bay for medium goods vehicle (MGV) (3.5m (W) x 11m (L)) will be provided at the Site. A 10.8m-wide ingress/egress for vehicles is proposed at the northern boundary of the Site. The applicant also applies for regularisation of filling of land at the entire Site¹ with cement of about

¹ Except for a small area for an existing tree.

0.8m in depth (i.e. the current site level ranges from +9.7mPD to +11.4mPD) for site formation for open storage use. No further filling of land will be carried out at the Site. The applicant proposes traffic management measure of erecting warning signs along the local track for traffic safety. A 1.8m tall wire metal fence is erected along the site boundary. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

- 1.3 The Site is the subject of three previous applications (No. A/NE-TKL/198, 386 and 735). The last application No. A/NE-TKL/735, submitted by the same applicant as the current application for proposed temporary warehouse and open storage of recycling materials, was approved with conditions for a period of three years by the Rural and New Town Planning Committee (the Committee) of the Board on 27.10.2023. The planning approval was subsequently revoked on 27.7.2025 due to non-compliance with approval conditions. Details of the previous applications are set out in paragraph 6 below. Compared with the last approved application No. A/NE-TKL/735, the current application mainly involves changes in layout and development parameters including the site area, total floor area, number of structures and storeys. A comparison of the major development parameters between the current application and application No. A/NE-TKL/735 is summarised as follows:

	Last Approved Application No. A/NE-TKL/735 (a)	Current Application No. A/NE-TKL/837 (b)	Difference (b) – (a)
Proposed/ Applied Use	Proposed Temporary Warehouse and Open Storage of Recycling Materials for a Period of Three Years	Temporary Open Storage of Recycling Materials and Metalware with Ancillary Facilities and Associated Filling of Land for a Period of Three Years	Without warehouse use and including associated filling of land
Site Area	about 4,044.9m ²	about 4,226.9m ²	+182m ² / +4.5%
Total Floor Area	about 1,552.4m ²	about 343m ²	-1,209.4m ² / -77.9%
Open Storage Area	about 375m ²	about 1,300m ²	+925m ² / +246.7%
No. of Structure(s)	4	3	-1 / -25%
No. of Storey(s)	1 to 2	1	-1 / -50%
Building Height	Not more than 6m	Not more than 6m	No change
No. of Parking Space(s) for Private Cars	3	3	No change
No. of L/UL Bay for MGW	1	1	No change

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

- | | |
|---|----------------------|
| (a) Application Form with attachments received on 25.3.2026 | (Appendix I) |
| (b) Supplementary Information (SI) received on 27.3.2026 | (Appendix Ia) |
| (c) Further Information (FI) received on 13.5.2026* | (Appendix Ib) |

(d) FI received on 21.7.2026*

(Appendix Ic)

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

- 1.5 On 22.5.2026, the Committee agreed to defer making a decision on the application for two months as requested 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, SI and FIs at **Appendices I to Ic**, as summarised below:

- (a) the applied use is essential in supporting the midstream operation of the recycling industry and facilitates the storage and redistribution of recycling material for further processing, which is in line with the Government's policy for waste management;
- (b) the applied use is compatible with the surrounding land uses occupied by warehouses, storage and open storage facilities. There are similar planning approvals within the "AGR" zone on the OZP. Approval of the current application will not set an undesirable precedent and the temporary nature will not undermine the long-term planning intention of the "AGR" zone. Besides, the Site falls within the Category 1 and 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). The Site is considered suitable for the applied use;
- (c) the Site is the subject of a previously approved application No. A/NE-TKL/735 submitted by the same applicant for a similar use as the current application. Approval of the current application is in line with the Committee's previous decision. The applicant commits to comply with all the relevant requirements including drainage and fire safety aspects upon obtaining planning approval; and
- (d) no adverse traffic, landscape, visual, drainage, environment and noise impacts arising from the applied use are anticipated. The applied use is non-polluting and would not generate any contaminated waste. The applicant will strictly follow the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') and the Water Pollution Control Ordinance to minimise adverse environmental impacts and nuisances on the surrounding area. The applicant will apply for Short Term Waiver (STW) and Short Term Tenancy (STT) from the Lands Department (LandsD) upon approval of 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 publishing newspaper notice and sending notice to Fanling District Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion, the "Owner's Consent/Notification" Requirements under TPB PG-No. 31B are not applicable.

4. **Town Planning Board Guidelines**

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls within Category 1 (about 15.5%) and Category 2 (about 84.5%) areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. **Background**

Recent site inspection revealed that some storage and miscellaneous items were observed at the Site. Warning poster was posted on site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions if there is sufficient evidence to prove an “unauthorized development” under the Town Planning Ordinance.

6. **Previous Applications**

- 6.1 The Site is the subject of three previous applications (No. A/NE-TKL/198, 386 and 735). Application No. A/NE-TKL/735 submitted by the same applicant as the current application for proposed temporary warehouse and open storage of recycling materials was approved with conditions for a period of three years by the Committee on 27.10.2023 mainly on the considerations that the proposed use on a temporary basis could be tolerated; the proposed use was considered not incompatible with the surrounding areas; and there were no major adverse departmental comments and concerns of the relevant government departments could be addressed through imposition of approval conditions. While the applicant complied with the approval conditions on the provision of fire extinguishers and submission of drainage and fire service installations (FSIs) proposals, the planning approval was subsequently revoked on 27.7.2025 due to non-compliance with approval conditions in relation to implementation of the drainage and FSIs proposals.
- 6.2 Application No. A/NE-TKL/386 covering part of the Site for temporary open storage and storage of recycled materials (plastic waste and disused pinball machines) for a period of three years submitted by a different applicant from the current application was rejected by the Committee on 20.7.2012 mainly on the grounds that there was no strong planning justification for a departure from the planning intention of the “AGR” zone; and the application did not comply with the then TPB PG-No. 13E.²
- 6.3 Regarding application No. A/NE-TKL/198 for temporary open parking of lorries for a period of three years approved by the Committee in 2002, the planning considerations are not applicable to the current application which is for a different use.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. **Similar Application**

There is no similar application in the same “AGR” zone in the past five years.

² The application site fell within Category 1 and 3 areas under the then TPB PG-No. 13E. The Category 3 portion was subsequently reclassified as Category 2 areas under the then TPB PG-No. 13F promulgated in 2020.

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

8.1 The Site is:

- (a) hard-paved, fenced-off and being used as the applied use without valid planning permission; and
- (b) accessible via a local track leading to Sha Tau Kok Road – Lung Yeuk Tau.

8.2 The surrounding areas are of rural character comprising mainly storage uses, parking of vehicles, domestic structures, active agricultural land and vacant land. Ng Tung River is located to the south of the Site.

9. Planning Intention

9.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

10. Comments from Relevant Government Departments

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices IV** and **V** respectively.

10.2 The following government departments object to or do not support the application:

Land Administration

10.2.1 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 contain the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the Site is required to pass through GL but no right of access via GL is granted to the Site;
- (c) no consent is given for inclusion of GL (about 152.9m² as mentioned in the Application Form) in the Site;
- (d) Lot 89 in D.D. 83 is partly covered by Modification of Tenancy (MOT) No. 38619 and Letter of Approval (LoA) No. L5630 for domestic, kitchen, agricultural storage, latrine and shade purposes. His office

reserves the rights to take enforcement action for irregularities and cancel the MOT/LoA where appropriate;

- (e) the following irregularities covered by the planning application have been detected by his office:

unauthorised structure(s) within Lots 87 and 89 both in D.D. 83 covered by the planning application

there are unauthorised structures on Lots 87 and 89 both in D.D. 83. The lot owner(s) 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 covered by the planning application

the GL within the Site has been fenced off without any permission. Any occupation of GL without Government's prior approval is an offence under Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

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

unlawful occupation of GL adjoining Lot 89 in D.D. 83 not covered by the planning application

the GL adjoining the said private lot has been fenced off and illegally occupied with unauthorised structure(s) without permission. The GL being illegally occupied is not included in the application. The applicant should clarify the extent of the Site. 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;

- (g) erection of unauthorised structures and illegal occupation of GL should not be encouraged. The lot owner(s)/applicant should remove all the unauthorised structures, rectify the occupation of GL immediately and provide relevant proof to his office;
- (h) the lot owner(s)/applicant should either (i) remove the unauthorised structure(s) and cease the illegal occupation of GL not covered by the planning application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the planning application for further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a STW and STT to permit the structures erected and the occupation of the GL. 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 back-dated waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL; and

- (i) unless and until the unauthorised structure(s) and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant or entirely included in the planning application, his office objects to the application which must be brought to the attention of the Board when they consider the application.

Agriculture and Nature Conservation

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

Agriculture

- (a) the application is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” and “OS” zones, and is generally vacant with some sundries. 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. The Site possesses potential for agricultural rehabilitation;

Nature Conservation

- (c) he has no specific comment on the application from nature conservation perspective; and
- (d) his advisory comments are at **Appendix V**.

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 heavy vehicle is involved and residential dwelling is located within 100m from the site boundary;
- (b) he has no comment on the regularisation of filling of land from environmental planning perspective since there is no further filling of land under the application;
- (c) no environmental complaint against the Site was received in the past three years; and
- (d) 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;
- (b) taking into consideration traffic safety on some sections of the local access road which is narrow and insufficient to allow two-way traffic, approval conditions on submission and implementation of traffic management measures should be included. Also, the implemented traffic management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 10.4.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Three comments from the Chairperson and 1st Vice Chairperson of the Fanling District Rural Committee and an individual object to the application mainly on the grounds that the use of heavy vehicles will overload and deteriorate local village roads, resulting in noise and safety concerns; the applied use will cause hygiene and sewage issues and cause nuisance to the villagers; approval conditions under the previous planning approval were not complied with; the applied use may pose potential fire risk; and the Site is near a watercourse. 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 recycling materials and metalware with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area mainly zoned “AGR” (about 84.5%) with a minor portion zoned “OS” (about 15.5%) on the OZP. While the applied use is always permitted within the “OS” zone, it is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 12.2 The application involves regularisation of filling of land at the Site with cement of about 0.8m in depth for site formation for open storage use. 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 comment on the application from public drainage viewpoint, while DEP has no comment on the regularisation of filling of land from environmental planning perspective. As part of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

- 12.3 The Site is located in an area of rural character comprising mainly storage uses, parking of vehicles, domestic structures, active agricultural land and vacant land. 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 the applied use is considered not incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 12.4 The Site falls within the Category 1 (about 15.5%) and Category 2 (about 84.5%) areas under the TPB PG-No. 13G. The application generally complies with TPB PG-No. 13G in that relevant government departments consulted have no objection to or no adverse comment on the application. DEP is unable to lend support to the application as the applied use involves the use of heavy vehicle and residential dwelling within 100m from the site boundary is identified. In this regard, the applicant states that he will strictly follow the 'COP'. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in 'COP' to minimise any possible environmental nuisance. While C for T has no comment on the application, she recommends imposing approval conditions on the submission, implementation and maintenance of traffic management measures in consideration of traffic safety on some sections of the local access road. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. Regarding DLO/N, LandsD's concern on the unauthorised structures 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.
- 12.5 The Site is the subject of a previously approved application No. A/NE-TKL/735 which was submitted by the same applicant as the current application for proposed temporary warehouse and open storage of recycling materials as detailed in paragraph 6.1 above. The planning permission was subsequently revoked on 27.7.2025 due to non-compliance with the approval conditions in relation to implementation of the drainage and FSIs proposals. Compared with the previously approved application No. A/NE-TKL/735, the current application involves changes in the layout, increase in the site area and total floor area, and reduction in number of structures and storeys as detailed in paragraph 1.3 above. In the current application, the applicant commits to comply with all the relevant requirements including drainage and fire safety aspects upon obtaining planning approval. Should the Committee decide to approve the application, the applicant will be advised that should the applicant fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.
- 12.6 Regarding the public comments on the application as detailed 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 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 11.9.2029. 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 11.3.2027;
- (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 11.6.2027;
- (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 11.3.2027;
- (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 11.6.2027;
- (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 11.3.2027;
- (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 11.6.2027;
- (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 expiry of the planning permission, the reinstatement of the “AGR” portion of the Site, including the removal of fill materials and hard paving, and grassing of the “AGR” portion of 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 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.

14. Decision Sought

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

15. Attachments

Appendix I	Application Form with Attachments received on 25.3.2026
Appendix Ia	SI received on 27.3.2026
Appendix Ib	FI received on 13.5.2026
Appendix Ic	FI received on 21.7.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling 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
SEPTEMBER 2026**