

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/64

- Applicant** : Wah Tong Machinery Trading (H.K.) Company Limited represented by Mr. WONG Sun Wo William
- Site** : Lots 17 S.A RP (Part), 20 S.A RP and 26 in D.D. 86 and Lot 367 RP in D.D. 90 and Adjoining Government Land (GL), Man Kam To, New Territories
- Site Area** : About 5,540m² (including GL of about 1,635m² or about 29.5% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse, Open Storage and Shop and Services (Construction Machinery) 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 proposed temporary warehouse, open storage and shop and services (construction machinery) with ancillary facilities 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 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 generally vacant, largely covered by dense vegetation, with a small paved portion (**Plans A-4a to A-4d**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of a brownfield operation at the original site in San Tin affected by San Tin Technopole (STT) development, which has been resumed by the Government.
- 1.3 The Site is accessible from a local track leading to Lin Ma Hang Road (**Plan A-2**). According to the submission, the proposed uses consist of four one-to-two-storey structures with a total floor area of not more than 625m² and building height ranging from 3.5m to 8m for warehouse and retail shop of construction machinery and parts, office and toilet uses. Two landscape areas (with a total area of about 1,700m²) are proposed at the northern portion of the Site. The remaining uncovered area (about 3,420m² or 61.7% of the Site) are mainly for open storage of construction machinery and parts and circulation

area. Six private car parking spaces (5m (L) x 2.5m (W) each) for staff and visitors and two light goods vehicle (LGV) loading/unloading (L/UL) spaces (7m (L) x 3.5m (W) each) are proposed within the Site. No workshop activities will be carried out at the Site. The operation hours of the proposed uses are between 8:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

1.4 According to the applicant, two ingress/egress points are proposed at the southeastern and southwestern boundaries of the Site for vehicular (about 6m-wide) and pedestrian access respectively. Sufficient space will be provided within the Site for manoeuvring of vehicles. A swept path analysis for private cars and LGV has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendices Ib, Id and Ie**), an advance booking of parking and L/UL spaces will be required to prevent illegal parking; box junction is marked at the ingress/egress for pedestrian access; and traffic signs will be provided at both ingress/egress points to ensure pedestrian safety. In addition, the applicant also applies for land filling of about 3,650m² (or about 65.9% of the Site) with concrete to a depth of not more than 0.15m for site formation purpose (**Drawing A-2**). According to the applicant, an existing tree (i.e. *Celtis sinensis* (朴樹)) located at southern periphery of the Site will be retained and an additional 20 *Bauhinia x blakeana* (洋紫荊) will be planted along the western periphery of the Site (**Drawings A-1 and A-2**).

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

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| (a) | Application Form with Attachments received on 5.5.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 7.5.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 27.7.2026* | (Appendix Ib) |
| (d) | FI received on 31.7.2026 and 3.8.2026* | (Appendix Ic) |
| (e) | FI received on 7.8.2026* | (Appendix Id) |
| (f) | FI received on 18.8.2026* | (Appendix Ie) |

** accepted and exempted from publication and recounting requirements*

1.6 On 26.6.2026, the Rural and New Town Planning Committee (the Committee) decided to defer making a decision on the application as requested by the applicant for two months.

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 Ie**, as summarised below:

- (a) the proposed uses are to facilitate the relocation of a brownfield operation (i.e. storage of construction machinery) affected by STT. The applicant wishes to relocate the affected business to the Site for continued operation;
- (b) the applicant has conducted site search process to identify suitable site for the relocation of the affected operation and the Site is considered most suitable for relocation; and
- (c) the applicant has obtained the land owners' consent to use the Site for the proposed uses. Should the application be approved by the Committee, the applicant will submit application for Short Term Tenancy to the Lands Department (LandsD) for the occupation of GL.

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 notices in local newspapers and posting notices near the Site. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” requirements are not applicable.

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

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

6. Previous Application

The Site is not the subject of any previous application.

7. Similar Applications

7.1 There are 21 similar applications (No. A/NE-MKT/25, 26, 29, 31, 34 to 37, 39, 40, 46, 47, 49, 55 to 57, 59, 61, 62, 66 and 67) for temporary warehouses, open storages and/or shop and services 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**).

7.2 Amongst them, 13 applications (No. A/NE-MKT/34, 35, 37, 39, 40, 46, 55 to 57, 61, 62, 66 and 67)¹ for proposed temporary warehouse were approved with conditions by the Committee between July 2024 and August 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 applications No. A/NE-MKT/62, 66 and 67²); there

¹ 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.

² While applications No. A/NE-MKT/62 and 66 were not related to the relocation of affected brownfield relocation, the site has been largely formed and hard-paved before the date of the first publication in the Gazette of the draft Man Kam To Development Permission Area (DPA) Plan No. DPA/NE-MKT/1 on 30.7.2010. For application No. A/NE-MKT/67, the site was subject to a previous planning approval.

were no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses.

- 7.3 Another two applications (No. A/NE-MKT/47 and 59) for proposed temporary shop and services and associated filling of land were approved with conditions by the Committee in July 2025 and May 2026 respectively mainly on the considerations that the proposed use was not entirely incompatible with the surrounding land uses; and there was no major adverse departmental comments on the application.
- 7.4 Separately, application No. A/NE-MKT/49 for temporary vehicle repair workshop and open storage of vehicles (coaches only) with ancillary facilities and associated filling of land was approved with conditions by the Board on review on 12.12.2025 mainly on the special considerations that the Commissioner for Tourism had rendered support to the application; the applicant held a prominent market share in cross-boundary coach vehicle repair services supporting tourism development, the site was suitability for such operations without causing adverse technical issues, the site fell within the boundary of the future New Territories North New Town, and the application was temporary in nature³.
- 7.5 The remaining five applications (No. A/NE-MKT/25, 26, 29, 31 and 36) with/without open storage were rejected by the Committee/the Board on review between September 2023 and September 2024 mainly for the reasons of having no strong planning justification for a departure from the planning intention of the “AGR” zone; being failed to demonstrate that the proposed/applied use(s) would not induce adverse traffic, drainage, landscape and/or environmental impacts on the surrounding areas. Application No. A/NE-MKT/25, 26 and 36, involving open storage use, was also rejected on the ground of not complying with the TPB PG-No. 13G in that adverse comments from relevant government departments and local objections had been received. 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) involving only temporary warehouse use as mentioned in paragraph 7.2 above. For applications No. A/NE-MKT/26 and 36, the site was subsequently covered by another similar application (No. A/NE-MKT/49) approved under special considerations as mentioned in paragraph 7.4 above.
- 7.6 Details of the similar applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

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

- 8.1 The Site is:
- (a) generally vacant, largely covered by dense vegetation, with a small paved portion; and
 - (b) being accessible from a local track leading to Lin Ma Hang Road.
- 8.2 The surrounding areas are of rural character mainly comprising domestic structures, vegetated areas and tree clusters. To the east is a storage yard without a valid planning

³ Having regard to the unique circumstances of the planning application, Members generally agreed that approval would not set a precedent for similar applications due to its distinctive characteristics.

permission⁴. To the southwest is Nga Yiu Village Children's Playground and the village proper of Muk Wu Nga Yiu zoned "Village Type Development" ("V"). To the further southeast of the Site across Lin Ma Hang Road is a densely vegetated hillslope, namely Lo Shue Ling, zoned "Green Belt" ("GB"), which is also permitted burial grounds for indigenous villagers. To the immediate north are the boundary patrol road and Shenzhen River.

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 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 the 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, LandsD (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) unless and until the unauthorised structure(s) and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, it should be taken as his office's objection 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 IV**.

⁴ According to record, the concerned site zoned "AGR" had been formed, hard paved and used for a concrete batching plant 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 concrete batching plant operation has ceased and the site is currently used as open storage.

Agriculture and Nature Conservation

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

Agriculture

- (a) as the Site processes potential for agricultural rehabilitation, the proposed uses are not supported from agricultural perspective; and
- (b) the Site falls within the “AGR” zone and is generally abandoned. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and

Nature Conservation

- (c) no strong view on the application from nature conservation perspective;
- (d) according to the site visit in May 2026, the Site is mainly occupied by herbaceous plants and trees of common species. It is noted from **Appendix Ib** that no tree felling will be involved; and
- (e) his other advisory comments are at **Appendix IV**.

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, should the application be approved, conditions should be imposed to request 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**.

11. Public Comments Received During Statutory Publication Period

On 12.5.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). Amongst them, two comments from Kadoorie Farm and Botanic Garden (KFBG) and an individual object to the application mainly on the grounds that the proposed uses are not in line with the planning intention of the “AGR” zone; the Site is not suitable for the proposed uses and associated filling of land as it is located in close proximity to the village cluster of Muk Wu Nga Yiu and Shenzhen River, and may still be largely suitable for cultivation; approval of the application would set an undesirable precedent to the surrounding areas; and sufficient land has already been designated as Category 2 areas under TPB PG-No. 13G to facilitate brownfield relocation. KFBG further suggests that should the application be approved, the Site should be reinstated upon the expiry

of the planning permission. 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 proposed temporary warehouse, open storage and shop and services (construction machinery) with ancillary facilities 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 uses are not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural perspective as the Site possess potential for agricultural rehabilitation. Despite that the application is to facilitate the relocation of a brownfield operation affected by STT as claimed by the applicant, there is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 12.2 The applicant applies for land filling of about 3,650m² (or about 65.9% of the Site) with concrete to a depth of not more than 0.15m 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.
- 12.3 The Site, being accessible from a local track leading to Lin Ma Hang Road, is located in an area of rural character mainly comprising domestic structures, vegetated areas and tree clusters, and is generally vacant and largely covered with dense vegetation (**Plans A-2 and A-3c**). The Site is generally bounded by dense vegetation in its immediate vicinity and the village proper of Muk Wu Nga Yiu zoned “V” to the south (**Plans A-2, A-4a and A-4b**). Noting that the Site is largely covered with wild plants and common tree species, the applicant claims that the distinctive landscape resources (i.e. Celtis sinensis (朴樹)) (**Plan A-2**) will be retained and will not be affected by the proposed 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 uses are not anticipated. While DAFC has no strong view on the application from nature conservation perspective, the proposed uses would involve extensive clearance of the existing vegetation and trees at the Site (**Plans A-3a and A-3c**). There is no previous planning permission granted at the Site, nor is there any permitted brownfield use in the immediate vicinity. Approving the current application would encourage proliferation of brownfield uses into the inner part of the subject “AGR” zone and away from Lin Ma Hang Road, the cumulative impacts of which would result in a general degradation of the rural environment of the area, where the existing village settlement is located in close vicinity to the southwest of the Site.
- 12.4 The Site falls within Category 3 areas under the TPB PG-No. 13G. The proposed uses do 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 objections to the

application. Other relevant government departments consulted, including the Director of Fire Services and C for T, have no objection to or no adverse comment on the application.

- 12.5 There are 21 similar applications covering 15 sites for temporary warehouses, open storages and/or shop and services within the same “AGR” zone in the past five years **(Plan A-1)**. Among them, 16 applications were approved with conditions by the Committee/the Board on review between July 2024 and August 2026 as detailed in paragraphs 7.2 to 7.4 above. However, the planning circumstances of those approved applications are different from those of the current application in that the Site is located in the inner part of the subject “AGR” zone and further away from the existing brownfield clusters along Lin Ma Hang Road; the proposed uses involve open storage use; and no policy support has been rendered by the relevant bureau.
- 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 proposed uses with associated filling of land are not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis; and
 - (b) the proposed uses with associated filling of land do 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 and local objections.
- 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 25.9.2029. 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 25.3.2027;
- (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 25.6.2027;
- (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 25.3.2027;
- (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 25.6.2027;
- (f) 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 25.6.2027;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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;
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (j) 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 V**.

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

Appendix I	Application Form with Attachments received on 5.5.2026
Appendix Ia	SI received on 7.5.2026
Appendix Ib	FI received on 27.7.2026
Appendix Ic	FI received on 31.7.2026 and 3.8.2026

Appendix Id	FI received on 7.8.2026
Appendix Ie	FI received on 18.8.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
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 to A-4d	Site Photos

PLANNING DEPARTMENT
SEPTEMBER 2026