

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKLN/139

<u>Applicant</u>	: Hang Sing Limited represented by Lawson David & Sung Surveyors Limited
<u>Site</u>	: Lots 1364 S.B RP and 1364 S.B ss.1 RP in D.D. 78, Lin Ma Hang Road, Ta Kwu Ling North
<u>Site Area</u>	: About 1,105m ²
<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 (Storage of Building Materials and Metal) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (storage of building materials and metal) 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 hard-paved, fenced-off and currently occupied by the applied use without valid planning permission.
- 1.2 According to the applicant, the current application is to facilitate the relocation of the business operation in Yuen Long affected by government project, i.e. the development of Yuen Long South New Development Area (YLS NDA). The affected operation involves a site area of about 728.4m², which was vacated in September 2025.
- 1.3 The Site is accessible via Lin Ma Hang Road (**Plan A-2**). According to the applicant, the applied use comprises (i) a single-storey warehouse storing construction materials (metal) (13m in height), (ii) a single-storey washroom (2.5m in height), and (iii) an open-sided shelter (13m in height), resulting in a total floor area of about 990m². Two parking spaces for private cars (2.5m (W) x 5m (L) each) and a loading/unloading (L/UL) bay for medium goods vehicle (3.5m (W) x 11m (L)) are provided within the Site. No dangerous goods will be stored and no workshop activities will be carried out at the Site. A 2.5m high corrugated metal fencing is erected along the boundary of the Site. The operation hours of the applied use are between 9:00 a.m. and 7:00 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 The applicant proposes traffic management measures including provisions of road signs and revolving lanterns. The applicant also submits drainage and fire service installations (FSIs) proposals in support of the application (**Drawings A-2 and A-3**).
- 1.5 The Site is the subject of a previous application No. A/NE-TKLN/85 submitted by the same applicant for the same use as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board for a period of three years in 2024. The planning approval was subsequently revoked in 2026 due to non-compliance with an approval condition. Details of the previous application are set out in paragraph 5.1 below. Compared with the previous application, the current application mainly involves an increase in total floor area (+105m² or +11.9%).
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with Attachments received on 27.7.2026 (Appendix I)
 - (b) Supplementary Information (SI) received on 28.7.2026 (Appendix Ia)
 - (c) Further Information (FI) received on 4.9.2026* (Appendix Ib)
 - (d) FI received on 16.9.2026* (Appendix Ic)
- * 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, SI and FIs at **Appendices I to Ic**, as summarised below:

- (a) the application is submitted to facilitate the relocation of the business operation affected by the Second Phase development of YLS NDA. The Site is considered the most practical option due to its locational advantages, compatibility with surrounding land uses, and readiness for warehouse operations. Approval of the application would allow the applicant to sustain his business and continue contributing to Hong Kong's construction industry;
- (b) the current application is submitted by the same applicant for the same use as the previous approved application No. A/NE-TKLN/85. As compared with the previous application, the current application involves a minor increase in total floor area to meet operational needs;
- (c) the applicant had complied with the approval conditions on submissions of drainage and FSIs proposals and implementations of drainage proposal and traffic management measures under the previous approval. For implementation of the FSIs proposal, while the FSIs have been completed including the pump room, fire alarm, emergency lighting, fire hose reel system and automatic sprinkler system, approval from the Water Services Department (WSD) for the provision of water supply connection from government main is still pending. The applicant will continue to closely monitor the progress and maintain communication with WSD. The applicant undertakes to make effort to comply with all approval conditions upon obtaining planning approval;
- (d) the applied use provides an interim solution to maximise land utilisation. The applied use is temporary in nature and would not jeopardise the long-term planning intention of the "REC" zone;

- (e) there are approved applications for similar use within the same “REC” zone in the vicinity of the Site. The surrounding area of the Site mainly comprises scattered temporary structures, open storage and unused vacant land. As the applied use is considered not incompatible with other developments in the adjacent areas in terms of the nature and scale, approval of the application would not result in any interface problems with the surrounding areas;
- (f) no adverse traffic, environmental and drainage impacts arising from the applied use are anticipated. The applicant will maintain the existing drainage facilities on Site. Also, the applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) and undertake to provide various mitigation measures including maintain the metal fencing, restricting operational hours as well as trips of goods vehicles to minimise the possible environmental nuisance; and
- (g) the applicant will apply to the Lands Department (LandsD) for modification of the Short Term Waivers (STWs). Also, the applicant will strictly adhere to the approved layout should the application be approved.

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

4. **Background**

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

5. **Previous Application**

- 5.1 The Site is the subject of a previous application No. A/NE-TKLN/85 submitted by the same applicant for the same use as the current application, which was approved with conditions by the Committee for a period of three years on 20.9.2024 mainly on the considerations that there were no major adverse departmental comments or concerns of the 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. While the applicant complied with the approval conditions in relation to the submissions of drainage and FSIs proposals and implementations of drainage proposal and traffic management measures, the planning approval was subsequently revoked on 20.6.2026 due to non-compliance with approval condition in relation to implementation of the FSIs proposal.
- 5.2 Details of the previous application are 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, 86, 93, 114, 116, 123 and 136) 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 similar to those mentioned in paragraph 5.1 above (except application No. A/NE-TKLN/93 without policy support from SDEV).
- 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) hard-paved, fenced-off and currently occupied by the applied use without valid planning permission; and
 - (b) accessible via Lin Ma Hang Road.
- 7.2 The surrounding areas are of rural character comprising mainly unused land, construction sites and vacant land. To the north are scattered domestic/temporary structures.

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 brownfield operation which is affected by YLS NDA;
- (b) it is noted that the current application is a subsequent case of application No. A/NE-TKLN/85 submitted by the same applicant at the same location and the same site area; and

- (c) subject to no adverse comments on land use compatibility and technical aspects from concerned departments, her policy support on the previous application No. A/NE-TKLN/85 is still valid and is applicable to the current application.

9.3 The following government departments do not support or have adverse comments on the application:

Land Administration

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

- (a) he has adverse comments on 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 Government land (GL) but no right of access via GL is granted to the Site;
- (c) Lot 1364 S.B RP in D.D. 78 is covered by STW No. 1680 for the purpose of warehouse and ancillary facilities with built-over-area (BOA) not exceeding 676m², height no more than two storeys. Lot 1364 S.B ss.1 RP in D.D. 78 is covered by STW No. 1681 for the purpose of warehouse and ancillary facilities with BOA not exceeding 209m², height no more than two storeys. According to the Indicative Layout Plan attached to the Application Form, the proposed three one-storey structures for the purpose of warehouse, open-side shelter and washroom have a total BOA of 990m² which exceeds that permitted under the existing STWs (total BOA of 885m²). In this connection, modifications of the existing STWs are required;
- (d) the following irregularity covered by the planning application has been detected by his office:

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

there are unauthorised structure(s) on the private lot(s) concerned. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) erection of unauthorised structure(s) are not allowed. The lot owner/applicant should remove all the unauthorised structure(s); and
- (f) if the planning application is approved, the lot owners shall apply to his office for modification of STW Nos. 1680 and 1681 to permit the proposed structures. The applications for modification of STWs will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The modification of STWs, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of additional waiver fees and

administrative fee as considered appropriate to be imposed by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structures will be considered.

Environment

9.3.2 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 identified within 100m from the site boundary;
- (b) no environmental complaint against the Site was received in the past three years; and
- (c) his advisory comments are at **Appendix V**.

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) noting that the development parameters of the current application remain largely unchanged from the last approved application No. A/NE-TKLN/85, she has no comment on the application from traffic engineering viewpoint;
- (b) taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road, the approval conditions under the previous application on implementation and maintenance of traffic management measures as proposed by the applicant shall be remained; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 4.8.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Two comments from the Ta Kwu Ling District Rural Committee object to the application mainly on the grounds that the applied use may induce flooding which endangers nearby villagers and workers. One comment from an individual expresses concerns on non-compliance with approval condition and the previous planning approval of the Site was revoked. 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 (storage of building materials and metal) 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 YLS NDA. In this regard, SDEV advises that the application is to facilitate relocation of brownfield operation affected by YLS 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 unused land, construction sites and vacant land, and scattered domestic/temporary structures to the north. 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 not incompatible with the surrounding environment and significant adverse landscape impact arising from the applied use is not anticipated.
- 11.3 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 undertakes to follow the 'COP' and provides mitigation measures to minimise potential environmental nuisance. Should the application be approved, the applicant will be advised to follow the requirements of the 'COP' and provide suitable sewage treatment facilities. While C for T has no comment on the application, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures as proposed by the applicant, taking into consideration the location of the Site and the existing traffic conditions on Lin Ma Hang Road. Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, relevant approval conditions are recommended in paragraph 12.2 below. Regarding DLO/N, LandsD's concerns on the unauthorised structure(s) erected within the Site, the applicant will be advised to liaise with LandsD on the land administration matter should the Committee approve the application.
- 11.4 The Site is the subject of a previous application No. A/NE-TKLN/85 submitted by the same applicant for the same use as the current application, which was approved with conditions by the Committee for a period of three years as detailed in paragraph 5.1 above. The planning permission was subsequently revoked in 2026 due to non-compliance with an approval condition in relation to implementation of the FSIs proposal. Compared with the previous approved application, the current application mainly involves an increase in total floor area (+105m² or +11.9%) to meet the operational requirements. 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.
- 11.5 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.
- 11.6 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 25.9.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a condition record of the existing drainage facilities on the Site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 25.12.2026;
- (b) the existing drainage facilities on the Site shall be maintained at all times during the planning approval period;
- (c) 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;
- (d) in relation to (c) 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;
- (e) 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;
- (f) in relation to (e) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (g) if any of the above planning condition (b) or (f) 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
- (h) if any of the above planning condition (a), (c), (d) or (e) 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 27.7.2026
Appendix Ia	SI received on 28.7.2026
Appendix Ib	FI received on 4.9.2026
Appendix Ic	FI received on 16.9.2026
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
Drawing A-2	Drainage Proposal
Drawing A-3	FSIs Proposal
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**