

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/71

<u>Applicant</u>	: Wong Kee Engineering Limited represented by Lawson David & Sung Surveyors Limited
<u>Site</u>	: Lots 181 RP (Part), 184 S.A RP, 185, 186, 188 RP, 191 RP, 192 S.A RP, 193 RP, 194 RP and 195 S.A RP in D.D. 82, Ta Kwu Ling, New Territories
<u>Site Area</u>	: About 3,906m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/7
<u>Zoning</u>	: “Recreation” (“REC”)
<u>Application</u>	: Proposed 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 proposed 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 generally vacant, partly paved, and largely covered by wild grass and vegetation (**Plans A-4a and A-4b**).
- 1.2 According to the applicant¹, the application is submitted to facilitate the relocation of a brownfield operation at the original site in Ha Tsuen which is affected by the Hung Shui Kiu/Ha Tsuen New Development Area (HSK/HT NDA) and has been resumed by the Government. The affected operation involves a site area of about 2,373m² and a total floor area of about 2,472m² as claimed by the applicant.
- 1.3 The Site is abutting Lin Ma Hang Road to the immediate north (**Plan A-2**). According to the submission, the proposed use consists of four one to two-storey temporary structures with a total floor area of about 3,096m² and building heights ranging from 2.5m to 13m

¹ The applicant is the authorised representative of Harris International (Asia) Limited, which is an affected brownfield operator in Ha Tsuen, Yuen Long. Should the application be approved, the applicant has committed that the Site will be used to accommodate the affected brownfield operation.

for warehouse, meter room, ancillary office and washroom. The remaining uncovered area (about 2,352m² or 60.2% of the Site) is mainly reserved for vehicle manoeuvring and circulation areas. No open storage activities will be conducted at the Site. Three private car parking spaces for staff/visitors (5m (L) x 2.5m (W) each) and three medium goods vehicle (MGV) loading/unloading (L/UL) spaces (11m (L) x 3.5m (W) each) are proposed within the Site. The operation hours of the proposed use are between 8:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.4 According to the applicant, an 8m-wide ingress/egress is proposed at the northeastern boundary of the Site and sufficient space will be provided within the Site for vehicle manoeuvring. A swept path analysis for MGV and private car has been submitted in support of the application. According to the traffic management measures proposed by the applicant (**Appendix Ia**), advance booking of parking and L/UL spaces will be required to prevent illegal parking; and warning lights and signs will be installed at the ingress/egress to ensure pedestrian safety. Additionally, an on-site staff will be deployed to manage traffic flow during the operation hours, and traffic signs will be provided to prohibit right-turn movements from the Site.
- 1.5 A drainage proposal (**Drawing A-2**), with the provision of peripheral 525mm U-channels with catchpits collecting site runoff, has been submitted by the applicant. The applicant also proposes land filling across the entire site with soil and concrete to a depth of about 0.2m for site formation purpose. The intercepted stormwater shall be discharged to Ping Yuen River to the southwest of the Site. In addition, a fire service installations (FSIs) proposal (**Drawing A-3**) has also been submitted in support of the application.
- 1.6 In support of the application, the applicant has submitted the following documents:
 - (a) Application Form received on 12.8.2026 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 13.8.2026 (**Appendix Ib**)
 - (d) Further Information (FI) received on 15.9.2026* (**Appendix Ic**)

** accepted and exempted from 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, SPS, SI and FI at **Appendices I to Ic**, as summarised below:

- (a) the Site is located in close proximity to the Heung Yuen Wai Boundary Control Point. The proposed use could support the planned development of boundary commerce and industry activities under the Northern Metropolis Development Strategy;
- (b) the proposed use is to facilitate the relocation of brownfield operation affected by HSK/HT NDA development. The applicant wishes to relocate the affected business to the Site for continued operation. The current application is to slightly expand the site area to facilitate the L/UL of goods and manoeuvring of vehicles within the Site;
- (c) the applicant has conducted a site search and identified the Site as the most suitable for location for relocating the affected operation;

- (d) the proposed use is temporary in nature and would not jeopardise the long-term planning intention of the “REC” zone;
- (e) there are similar precedent cases approved by the Rural and New Town Planning Committee (the Committee) in the same “REC” zone;
- (f) the proposed use, layout, form and scale are considered not incompatible with the surrounding areas where warehouses are commonly found along Lin Ma Hang Road;
- (g) no significant adverse traffic, environmental and drainage impacts are anticipated; and
- (h) the applicant will liaise with the Lands Department (LandsD) on the land administration matters should the Committee approve the application.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No. 31B) by publishing notices in local newspapers and posting notice near the Site. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

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

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Applications

- 6.1 There are four similar applications (No. A/NE-MKT/27, 42, 43 and 48) for proposed temporary warehouse with/without open storage within the same “REC” zone in the vicinity of the Site in the past five years (**Plan A-1**).
- 6.2 Three applications (No. A/NE-MKT/42, 43 and 48) for proposed temporary warehouses were approved by the Committee between March and August 2025 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 and Yuen Long South NDAs) and the Secretary for Development (SDEV) had rendered policy support to the application; there were no major adverse departmental comments on the application; and the proposed use was not entirely incompatible with the surrounding land uses.
- 6.3 The remaining application (No. A/NE-MKT/27) was rejected by the Board on review in 2023 mainly for the reasons of having no strong planning justification for a departure from the planning intention of the “REC” zone; being failed to demonstrate that the proposed use would not induce adverse traffic, drainage, landscape and environmental impacts on the surrounding areas; and not complying 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 adverse comments from relevant government departments and local objections had been received.

- 6.4 Details of the similar applications are summarised at **Appendix II** 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) generally vacant, partly paved, largely covered by wild grass and vegetation, and occupied by some temporary structures;
- (b) abutting Ping Yuen River to the immediate southwest; and
- (c) abutting Lin Ma Hang Road to the immediate north.

- 7.2 The surrounding areas are of rural character mainly comprising temporary structures, active/fallow agricultural land, vegetated areas and tree clusters. To the east and across a local track and Lin Ma Hang Road are sites with valid planning permissions under applications No. A/NE-MKT/58 and 54 for a temporary logistics centre and open storage for construction materials and construction machinery respectively.

8. Planning Intention

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

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau/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 III** and **IV** respectively.

- 9.2 The following government bureau supports the application.

Policy Aspect

- 9.4.1 Comments of SDEV:

- (a) the application is to facilitate relocation of a brownfield operation 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 current 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 additional site area is required to enhance parking, loading/unloading and vehicular circulation facilities to meet relevant departmental requirements and minimise potential traffic and road safety impacts on the surrounding area; 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 has adverse comment on the application.

Land Administration

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

- (a) he has adverse comments on the application;
- (b) the Site comprises several 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 requires to pass through Government Land (GL) but no right of access via GL is granted to the Site;
- (c) the following irregularity covered by the application has been detected by his office:

Unauthorised structures within Lots 184 S.A RP, 191 RP, 192 S.A RP and 193 RP in D.D. 82 covered by the application

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

- (d) erection of unauthorised structures is not allowed. The lot owner(s) should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and
- (e) his other advisory comments are at **Appendix IV**.

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 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 requiring the applicant to submit and 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**.

10. Public Comments Received During Statutory Publication Periods

On 21.8.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix V**). Amongst them, the Ta Kwu Ling District Rural Committee and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “REC” zone; the Site does not fall within Category 2 areas under the TPB PG-No. 13G²; the Site is not the subject of previously approved application; the proposed use will cause adverse drainage impact on the surrounding areas, as well as induce environmental nuisance to nearby residents; the proliferation of warehouses along Lin Ma Hang Road will create cumulative adverse impacts on the surrounding area and set an undesirable precedent; the application is the potential abuse of statutory planning process through policy support under TPB PG-No. 13G; there is unjustified increase in site area; and the application involves inefficient land use which is incompatible with the future Northern Metropolis development. 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 proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years at the Site which is zoned “REC” on the OZP (**Plan A-1**). While the proposed use is not in line with the planning intention of the “REC” zone which is primarily for recreational developments for the use of the general public, and to encourage the development of active and/or passive recreation and tourism/eco-tourism, there is no known development proposal at the Site. Nevertheless, the application is submitted to facilitate the relocation of a brownfield operation affected by HSK/HT NDA, and the applicant has identified the Site as the most suitable relocation site to meet their operational needs. SDEV supports the application from policy perspective. Taking into account the planning assessments below and the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.
- 11.2 The Site, abutting Lin Ma Hang Road to the immediate north, is generally vacant and largely covered by wild grass and vegetation (**Plans A-4a** and **A-4b**). Two sites with valid planning permissions under applications No. A/NE-MKT/58 and 54 for a temporary logistics centre and an open storage yard are located in the close vicinity respectively (**Plans A-2** and **A-3**). The proposed use is considered not entirely incompatible with the surrounding land uses mainly comprising temporary structures, active/fallow agricultural land, vegetated areas and tree clusters. The Chief Town Planner/Urban Design and

² As the proposed use does not involve open storage and port back-up uses, TPB PG-No. 13G is not applicable to the current application.

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 use is not anticipated.

- 11.3 While C for T has no adverse comment on the application from traffic engineering perspective, in view of the location of the Site and prevailing traffic conditions on Lin Ma Hang Road, it is recommended to impose approval conditions on the submission, implementation and maintenance of the traffic management measures. Other relevant government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Director of Fire Services and Chief Highway Engineer/New Territories East of Highways Department, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions and advisory clauses are recommended in paragraph 12.2 below and **Appendix IV** respectively. Should the application be approved, the applicant will be advised to follow the requirements in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' and implement the relevant mitigation measures to minimise any possible environmental nuisance. Regarding DLO/N, LandsD's concern on the unauthorised structures erected within the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There are four similar applications for temporary warehouses within the same "REC" zone in the vicinity of the Site in the past five years (**Plan A-1**). In particular, three of them are related to the relocation of brownfield operations affected by government projects, which were all approved with conditions by the Committee between March and August 2025 as detailed in paragraph 6.2 above. The planning circumstances of the current application are generally similar to those of the approved similar applications. Approval of the current application is in line with the Committee's previous decisions.
- 11.5 Regarding the public comments mentioned in paragraph 10 above, the government bureau/departments' comments 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 9.10.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 9.4.2027;
- (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 9.7.2027;

- (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 revised 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 9.4.2027;
- (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 9.7.2027;
- (f) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.4.2027;
- (g) in relation to (f) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 9.7.2027;
- (h) the submission of revised 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 9.4.2027;
- (i) in relation to (h) 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 9.7.2027;
- (j) in relation to (i) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (k) if any of the above planning condition (c) or (j) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning condition (a), (b), (d), (e), (f), (g), (h) or (i) 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 IV**.

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

the proposed use is not in line with the planning intention of the "REC" zone, which is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

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 received on 12.8.2026
Appendix Ia	SPS
Appendix Ib	SI received on 13.8.2026
Appendix Ic	FI received on 15.9.2026
Appendix II	Similar Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	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 and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**