

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/850

- Applicant** : Yat Lee Engineering Company represented by Innovative Land Use Planning Consultancy Co. Ltd.
- Site** : Lots 752 RP and 761 RP (Part) in D.D. 77 Ping Che
- Site Area** : About 1,640m²
- 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 1,261m² or 77% of the Site)
(ii) “Industrial (Group D)” (“I(D)”) (about 379m² or 23% of the Site)
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials/Tools and Equipment with Ancillary Office/Workshop 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 for storage of construction materials/tools and equipment with ancillary office/workshop and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” and “I(D)” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Warehouse (other than Dangerous Goods Godown)’ is a Column 1 use within the “I(D)” zone which is always permitted, while 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 Board. The Site is partially fenced-off and largely vacant with a structure and parking of vehicles.
- 1.2 According to the applicant, the current application is to facilitate the relocation of the business operation affected by government project, i.e. the development of Northern Link (NOL) Main Line. The affected site has been reverted to the Government in November 2025.
- 1.3 The Site is accessible via a local access road leading to Ping Che Road (**Plan A-1**). According to the applicant, the proposed use involves three single-storey structures of not more than 7m in height with a total floor area of about 595m² for warehouse for storage of construction materials (including sand, cement, tiles, fence, door, locks, etc.), tools

(including long ladders, electric drills, hammer and mallets, saws, trowels, clamps, angle grinder, nail gun, etc.) and equipment (including mini-excavators, cranes, telehandlers, cement mixers, power trowels, etc.), and ancillary office and workshop for the preparation of modular integrated construction including door frame and window frame. No dangerous goods will be stored at the Site. All workshop activities will be carried out within the enclosed structure(s). Two loading/unloading (L/UL) spaces for light goods vehicles (LGVs) (3.5m (W) x 7m (L) each) will be provided within the Site. A 6.2m wide ingress/egress for vehicles is proposed at the southeastern boundary of the Site. The applicant also applies for regularisation of filling of land at part of the Site (about 1,559m² or 95% of the Site) and further filling of land at the remaining site area (about 81m²) with concrete of about 0.2m in depth for site formation for warehouses. Three trees of common species at the Site will be removed. The applicant proposes traffic management measures including erecting warning signs and installing convex mirrors to ensure pedestrian safety and alert drivers. The operation hours are between 7:00 a.m. and 7:00 p.m. from Mondays to Saturdays, with no operation on 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.

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

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|-----|--|----------------------|
| (a) | Application Form with attachment received on 14.8.2026 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 17.8.2026 | (Appendix Ia) |
| (c) | SI received on 19.8.2026 | (Appendix Ib) |
| (d) | Further Information (FI) received on 25.8.2026* | (Appendix Ic) |
| (e) | FI received on 14.9.2026* | (Appendix Id) |
| (f) | FI received on 18.9.2026* | (Appendix Ie) |
| (g) | FIs received on 29.9.2026 and 30.9.2026* | (Appendix If) |

** 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, SIs and FIs at **Appendices I to If**, as summarised below:

- (a) the application is submitted to facilitate the relocation of business operation for warehouse and open storage for building materials, tools and equipment and ancillary office/workshop in Ngau Tam Mei (NTM) affected by the development of NOL Main Line. The applicant has spent efforts in identifying suitable sites for relocation in Yuen Long and Lin Ma Hang areas, but they were considered not suitable due to various reasons such as site area and accessibility. The Site is suitable for relocation as it is accessible from Ping Che Road with a proper access and there is enough maneuvering space for LGVs within the Site. While the Site (about 1,640m²) has a larger area than the affected premises for warehouse and open storage uses (about 1,550m²), the applicant explains that the tools and equipment that are stored in the open storage area in the affected premises will be stored in the proposed warehouses and no open storage is proposed under the application, and the site area other than the proposed warehouses is for manoeuvring, parking, L/UL space, etc.;
- (b) the Site is unsuitable for agricultural rehabilitation as it is located in close vicinity to “I(D)” zone and has been hard-paved for over 20 years. Approval of the current application on a temporary basis would not jeopardise the long-term planning intention of the “AGR”

zone. No undesirable precedent would be set for the “AGR” zone. Besides, the proposed use is considered not incompatible with surrounding land uses;

- (c) all unauthorised structure(s) within the Site will be demolished upon approval of the application to follow the proposed layout plan; and
- (d) adverse traffic, noise, environmental, visual and drainage impacts are not anticipated. The applicant will follow the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) and implement relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts.

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 posting site notice and sending notice to Ta Kwu Ling District Rural Committee (TKLDRC). Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

- 4.1 The Site is currently not subject to any active planning enforcement action.
- 4.2 Part of the Site falls within a previous enforcement case (No. E/NE-TKL/514) regarding unauthorized use for place for parking of vehicles with Enforcement Notice issued on 2.2.2026 requiring the discontinuation of the unauthorized development (UD). As the UD was later found discontinued, Compliance Notice was issued to the relevant registered owner on 2.9.2026.

5. Previous Applications

- 5.1 Part of the Site is the subject of four previous applications (No. A/NE-TKL/55, 140, 278 and 279) for various temporary open storage uses submitted by different applicants. Except for application No. A/NE-TKL/140 which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board in 2000, the remaining previous applications were all rejected by the Board on review between 1998 and 2006. The planning considerations of these applications are not applicable to the current application which is for a different use.
- 5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/NE-TKL/702, 767, 809 and 830) involving three sites for temporary warehouse within the “AGR” zone in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee for a period of three years between 2022 and 2026 mainly on the considerations that there were

no major adverse departmental comments or the concerns of the relevant government departments could be addressed through imposition of approval conditions; and policy support was obtained as the application was to facilitate relocation of business operation affected by government project (except for application No. A/NE-TKL/767).

- 6.2 Application No. A/NE-TKL/843 for temporary warehouse for storage of metal and associated filling of land for a period of three years within the “AGR” and “I(D)” zones in the vicinity of the Site will be considered at this meeting (**Plan A-1**).
- 6.3 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-4)

- 7.1 The Site is:
 - (a) partially fenced-off and largely vacant with a structure and parking of vehicles; and
 - (b) accessible via a local access road leading to Ping Che Road.
- 7.2 The surrounding areas are of rural character comprising mainly warehouses/storage uses, open storage yards and workshops within the “I(D)” zone to the east and “Open Storage” (“OS”) zone to the further southeast of the Site, and active/fallow agricultural land and domestic structures to the west.

8. Planning Intention

- 8.1 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.
- 8.2 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.

9. Comments from Relevant Government Bureaux/Departments

- 9.1 Apart from the government bureau and departments as set out in paragraphs 9.2 to 9.4 below, other government bureau and 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:
 - 9.2.1 Comments of the SDEV:
 - (a) the application is to facilitate the relocation of a brownfield operation previously located in NTM. The operation was affected by the NOL

Main Line project and falls within NTM New Development Area (NDA);

- (b) according to the applicant, a site search was conducted with a view to identifying a suitable site for re-establishment of the affected business operation, and that the Site is considered the most suitable for relocation. Whilst the site area under the current application is larger than the original premises of the affected business operation, the applicant claims that the larger site is required to meet operational needs and to enhance parking, L/UL and vehicular circulation spaces; 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 departments object to or do not support the application:

Land Administration

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

- (a) he objects to the application;
- (b) the Site comprises two Old Schedule Agricultural Lots held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress point of the Site requires to pass through a portion of the application lot not under application and also Government land (GL). There is no right of access via GL granted to the Site yet. There is also no guarantee that the GL shall be allowed for the proposed use/ ingress or egress point;
- (c) the following irregularities covered by the planning application have been detected by his office:

suspected unauthorised structures within Lot 752 RP in D.D. 77 covered by the planning application

there are suspected unauthorised structures found within Lot 752 RP in D.D. 77. The lot owner should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary enforcement action against the breaches without further notice;

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

unauthorised structures within Lots 747 RP, 750, 751 RP and 761 RP in D.D. 77 and the adjoining GL not covered by the planning application

there are unauthorised structures on Lots 747 RP, 750 and 751 RP in D.D. 77 and the adjoining GL. 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. LandsD objects to the planning application since there are unauthorised structures on Lot 761 RP in D.D. 77 which is already subject to lease enforcement actions. The lot owner should immediately rectify the lease breaches, otherwise, his office will without any further warning re-enter the lot or vest all the interests of the lot owner in the Financial Secretary Incorporated under the Government Rights (Re-entry and Vesting Remedies) Ordinance (Chapter 126), as the case may be in which case the lot owner's rights in the lot will be forfeited;

unlawful occupation of GL not covered by the planning application

the GL adjoining Lots 751 RP and 761 RP in D.D. 77 has been fenced off/illegally occupied 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;

- (e) erection of unauthorised structures and illegal occupation of adjoining GL are not allowed. The lots owners/occupier/applicant should remove all the unauthorised structures and stop the illegal occupation of GL immediately;
- (f) subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owners shall apply to his office for Short Term Waiver (STW) to permit the proposed structures. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fees and administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owner(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. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered; and
- (g) his advisory comments are at **Appendix V**.

Agriculture

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

- (a) the application is not supported from the agricultural perspective; and
- (b) the Site falls within the "AGR" and "I(D)" zones and is generally vacant with some structures. 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.

9.4 The following government department provides views on the application:

Traffic

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

- (a) she has no comment on the application;
- (b) after taking into consideration the context of the Site including its location, existing adjacent developments and pedestrian footway, traffic conditions, requirement for vehicular access etc., it is suggested to impose approval conditions on the submission, implementation and maintenance of traffic management measures; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 21.8.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). Two comments from the TKLDRC and an individual object to the application mainly on the grounds that there are concerns on fire safety arising from the proposed use and the narrow access road to the Site; the proposed use may cause adverse traffic impact on Ping Che Road; the proposed structures may worsen the flooding problem in the area; the Site is larger than the affected business premises; and there is no record of previous approval at the Site. 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 for storage of construction materials/tools and equipment with ancillary office/workshop and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” (about 77%) and “I(D)” (about 23%) on the OZP. The proposed use 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. According to the applicant, the Site is considered suitable for relocation of the business operation affected by NOL Main Line development. In this regard, SDEV advises that the application is to facilitate the relocation of a brownfield operation affected by the NOL Main Line project and falls within NTM NDA, and subject to no adverse comments on land use compatibility and technical aspects from concerned 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 proposed use with associated filling of land on a temporary basis of three years.

11.2 The application involves regularisation of filling of land at part of the Site and further land filling with concrete of about 0.2m in depth for site formation for the warehouses. 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 public drainage viewpoint while the Director of Environmental Protection (DEP) has no comment on the proposed associated filling of land subject to the implementation of mitigation measures as listed in the Recommended Pollution Control Clauses for Construction Contracts. In this regard, the applicant advises that relevant mitigation measures will be implemented. 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.

- 11.3 The Site is located in an area of rural character comprising mainly warehouses/storage uses, open storage yards and workshops within the “I(D)” and “OS” zones, as well as active/fallow agricultural land and domestic structures. 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 proposed use is considered not incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. 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 the location of the Site and the traffic condition in the area. To address the technical requirements of concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow ‘COP’ to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within/outside the Site and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are four similar approved applications for temporary warehouse for a period of three years falling within the “AGR” 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 similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as detailed in paragraph 10 above, comments from the government bureaux and 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 9.10.2029. 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 9.4.2027;
- (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 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 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 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;
- (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 9.7.2027;
- (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 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**.

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

the proposed 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.

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 14.8.2026
Appendix Ia	SI received on 17.8.2026
Appendix Ib	SI received on 19.8.2026
Appendix Ic	FI received on 25.8.2026
Appendix Id	FI received on 14.9.2026
Appendix Ie	FI received on 18.9.2026
Appendix If	FIs received on 29.9.2026 and 30.9.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Bureau and 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
Plan A-4	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**