RNTPC Paper No. A/NE-FTA/289
For Consideration by the
Rural and New Town Planning
Committee on 20.11.2026

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/289

Applicant	:	Billion Link Properties Limited represented by Aikon Development Consultancy Limited
Site	:	Lot 356 (Part) in D.D. 87, Kong Nga Po, Sheung Shui
Site Area	:	About 1,763m^2
Lease	:	Block Government Lease (demised for agricultural use)
Plan	:	Approved Fu Tei Au & Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
Zoning	:	"Agriculture" ("AGR")
Application	:	Temporary Open Storage of Construction Materials and Machineries and Associated Filling of Land for a Period of Three Years

1. The Proposal

1.1 The applicant seeks planning permission for temporary open storage of construction materials and machineries 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 hard-paved, partly fenced off and currently used as the applied use without valid planning permission (**Plans A-4a** and **4b**).

1.2 The Site is accessible from its north via a local track leading to Kong Nga Po Road (**Plan A-1**). According to the submission, the applied use is for open storage of construction materials (e.g. metal pieces, ceramic tiles, piping, etc.) and machineries. No structure is proposed at the Site. One parking space for private car (5m (L) x 2.5m (W)) and one loading/unloading space for medium goods vehicle (11m (L) x 3.5m (W)) are proposed within the Site. A 7.3m-wide vehicular ingress/egress is proposed at the northern boundary of the Site. Fencing will be erected along the boundaries of the Site. No workshop activities or storage of dangerous goods will be carried out at the Site at any time during the planning approval period. The operation hours are from 9:00 a.m. to 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**.

1.3 The applicant also applies for regularisation of filling of land for the entire Site by concrete of about 0.2m in depth (to a level of about +26.8mPD) (**Drawing A-2**). According to the applicant, the existing drainage facilities (including U-channels and catchpits) and traffic management measures implemented at the Site (including deployment of on-site management staff, no visitors allowed and advance booking required for vehicles entering the Site, installation of traffic signs at the ingress/egress to ensure pedestrian safety and provision of sufficient manoeuvring space within the Site) shall be properly maintained. In addition, the proposed works will be at least 3m away from the top of the bank of the existing watercourse to the south of the Site. The drainage proposal submitted by the applicant is at **Drawing A-3**.

1.4 The Site is the subject of a previous application (No. A/NE-FTA/251) (**Plan A-1**) submitted by a different applicant for the same use, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 4.10.2024, as detailed in paragraph 6.1 below. The planning permission was subsequently revoked on 4.7.2026 due to non-compliance with approval conditions. Compared with the previous application, there is no change to the development layout and major development parameters under the current application.

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

(a)	Application Form received on 29.9.2026	(**Appendix I**)
(b)	Supplementary Planning Statement (SPS) received on 29.9.2026	(**Appendix Ia**)
(c)	Supplementary Information (SI) received on 2.10.2026	(**Appendix Ib**)
(d)	Further Information (FI) received on 23.10.2026*	(**Appendix Ic**)
(e)	FI received on 16.11.2026*	(**Appendix Id**)

** 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 FIs at **Appendices I** to **Id**, as summarised below:

(a) the Site falls within Category 2 areas under the Town Planning Board Guidelines No. 13G for 'Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance' (TPB PG-No. 13G). The applied use complies with TPB PG-No. 13G;

(b) the applied use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the "AGR" zone;

(c) the Site is the subject of a previously approved application (No. A/NE-FTA/251) submitted by a different applicant for the same use. There will be no change to the site configuration and operation. The accepted drainage proposal with photographic records of the existing drainage facilities, and implemented traffic management measures under the previous application are submitted in support of the application. The site formation has been completed and no further land filling will be required;

(d) the applied use is compatible with the surrounding land uses, which are predominantly occupied by temporary structures, warehouses, open storage yards and agricultural land.

There are similar approved applications (No. A/NE-FTA/213[1], 260, 264, 269, 270, 273. 279 and 281) in the vicinity of the Site. Approval of the application will not set an undesirable precedent; and

(e) no adverse traffic, visual, landscape, environmental and drainage impacts are anticipated. Should the application be approved, the applicant commits to complying with all environmental protection requirements, following relevant mitigation measures and requirements in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' ('COP') to alleviate possible adverse impacts and nuisance to the surrounding areas; and maintaining the existing drainage facilities and traffic management measures implemented at the Site.

3. Compliance with the "Owner's Consent/Notification" Requirements

The applicant is not the "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 consent of the "current land owner". Detailed information would be deposited at the meeting for Members' inspection.

4. Town Planning Board Guidelines

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to this application. The Site falls within Category 2 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. Background

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

6. Previous Application

6.1 The Site is the subject of a previous application (No. A/NE-FTA/251) submitted by a different applicant for the same use as the current application, which was approved with conditions by the Committee on 4.10.2024 mainly on the considerations that the site fell within Category 2 areas under the TPB PG-No. 13G, the application generally complied with the guidelines in that no major adverse departmental comments were received and the concerns of the relevant government departments could be addressed through the implementation of approval conditions. The planning permission was subsequently revoked on 4.7.2026 due to non-compliance with approval conditions relating to implementation of drainage proposal and traffic management measures.

6.2 Details of the previous application are summarised at **Appendix III** and its location is shown in **Plan A-1**.

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[1] Application No. A/NE-FTA/213 is for renewal of planning approval for temporary open storage of construction materials for a period of three years, which was approved with conditions by the Committee on 24.6.2022, with validity up to 5.7.2025.

7. Similar Applications

7.1 There are 11 similar applications (No. A/NE-FTA/242, 244, 245, 246, 260, 264, 269, 270, 273, 279 and 281) involving eight sites for temporary open storage use within the same "AGR" zone in the vicinity of the Site in the past five years (**Plan A-1**), which were all approved with conditions by the Committee between 2024 and 2026 mainly on the similar considerations as mentioned in paragraph 6.1 above.

7.2 Details of the similar applications are summarised at **Appendix IV** and their locations are shown on **Plan A-1**.

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

8.1 The Site is:

(a) hard-paved, partly fenced off and currently used as the applied use without valid planning permission; and

(b) accessible via a local track to its north leading to Kong Nga Po Road.

8.2 The surrounding areas are rural in character comprising open storage yards, warehouses, workshop, temporary structures, intermixed with vacant land and tree clusters. A cluster of proposed/existing warehouses, workshop and open storage yards with valid planning permissions (applications No. A/NE-FTA/260, 264, 270, 279 and 281) largely surrounds the Site. There is a watercourse adjoining the southern boundary of the Site.

9. Planning Intention

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

9.2 According to the Explanatory Statement of the OZP for "AGR" zone, 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 recommended advisory clauses are provided at **Appendices V** and **VI** 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/Lands Department (DLO/N, LandsD):

(a) he objects to the application;

(b) the Site comprises an Old Schedule Agricultural Lot 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. Besides, according to the vehicular access plan of the SPS, the vehicular access is required to pass through other private lot, the applicant shall make their own arrangement;

(c) noting that no structure is proposed within the Site;

(d) the following irregularity not covered by the subject planning application has been detected by his office:

Unlawful occupation of GL not covered by the planning application

the GL adjoining the Site has been fenced off/illegally occupied without permission. The GL being illegally occupied is not included in the planning application. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (the LMP Ordinance). LandsD objects to the application since there is illegal occupation of GL which regularization would not be considered according to the prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

(e) unless and until the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office has objection to the application and it must be brought to the attention of the Board when the application is being considered; and

(f) his advisory comments are at **Appendix VI**.

Agriculture and Nature Conservation

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

Agriculture

(a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and

(b) 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..

Nature Conservation

(c) he has no comment on the application from nature conservation perspective.

Nevertheless, the applicant should implement good site practices and measures to avoid adverse impacts on the watercourse nearby and to avoid polluting it.

10.3 The following government department provides views on the application:

Traffic

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

(a) she has no adverse comment on the application from traffic engineering perspective;

(b) taking into consideration road safety and road management, should the application be approved, it is suggested that approval conditions be imposed requiring the submission and implementation of traffic management measures, as proposed by the applicant, before the commencement of any operation, and maintenance of the traffic management measures; and

(c) her advisory comments are at **Appendix VI**.

11. Public Comments Received During Statutory Publication Period

On 6.10.2026, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VII**). Two comments from the Ta Kwu Ling District Rural Committee and an individual object to the application mainly on the grounds that the applied use will induce adverse traffic, road safety and drainage impacts, and the previous application has been revoked due to non-compliance with approval conditions. The remaining comment from a member of North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

12.1 The application is for temporary open storage of construction materials and machineries 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 applied use is not in line with the planning intention of the "AGR" zone, and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nonetheless, taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.

12.2 The application involves regularisation of filling of land for the entire Site by concrete of about 0.2m in depth (to a level of about +26.8mPD) (**Drawing A-2**). Filling of land within the "AGR" zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective, while the Director of Environmental Protection has no comment on the associated filling of land from environmental perspective as no further filling of land will be carried out. As the Site is zoned "AGR", an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so

as to uphold the planning intention of the "AGR" zone and restore the greenery of the area is recommended should the Committee decide to approve the application.

12.3 The Site, which is hard-paved, partly fenced off and currently used as the applied use without valid planning permission, is situated in an area of rural character comprising open storage yards, warehouses, workshop, temporary structures, intermixed with vacant land and tree clusters (**Plans A-2** to **A-4b**). A cluster of proposed/existing warehouses and open storage yards with valid planning permissions largely surrounds the Site (**Plan A-2**). The applied use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse landscape impact arising from the applied use is not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.

12.4 While C for T has no adverse comment on the application from traffic engineering perspective, she recommends imposing approval conditions on the submission and implementation traffic management measures, as proposed by the applicant, before the commencement of any operation, and maintenance of the traffic management measures, taking into consideration road safety and road management. Other concerned government departments consulted have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the latest 'COP' to minimise the possible environmental nuisances on the surrounding areas. Regarding DLO/N, LandsD's concerns on the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

12.5 The Site falls within Category 2 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.

12.6 The Site is the subject of a previously approved application (No. A/NE-FTA/251) submitted by a different applicant for the same use (**Plan A-1**) as mentioned in paragraph 6.1 above. In the current application, the applicant commits that the existing drainage facilities and traffic management measures implemented at the Site shall be properly maintained. In addition, there are 11 approved similar applications for temporary open storage use within the same "AGR" zone (**Plan A-1**) as mentioned in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved applications. Approval of the current application is in line with the Committee's previous decisions.

12.7 Regarding the public comments mentioned in paragraph 11 above, the government department's comments and the 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 mentioned in paragraph 11 above, PlanD has no objection to the application.

13.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 20.11.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

(a) the submission and implementation of traffic management measures, as proposed by the applicant, before the commencement of any operation to the satisfaction of the Commissioner for Transport or of the Town Planning Board;

(b) in relation to (a) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;

(c) the implementation of the accepted 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 20.8.2027;

(d) in relation to (c) above, the implemented drainage facilities should be maintained at all times during the planning approval period;

(e) 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 20.5.2027;

(f) in relation to (e) 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 20.8.2027;

(g) if the above planning condition (a) is not complied with before the commencement of any operation, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

(h) if any of the above planning condition (b) or (d) 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 (c), (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 the removal of fill materials and hard paving, and grassing 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 VI**.

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

the applied use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis.

14. Decision Sought

14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

14.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.

14.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

15. Attachments

Appendix I	Application Form received on 29.9.2026
Appendix Ia	SPS received on 29.9.2026
Appendix Ib	SI received on 2.10.2026
Appendix Ic	FI received on 23.10.2026
Appendix Id	FI received on 16.11.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Similar Applications
Appendix V	Government Departments' General Comments
Appendix VI	Recommended Advisory Clauses
Appendix VII	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Drawing A-3	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and 4-b	Site Photos

PLANNING DEPARTMENT
NOVEMBER 2026