

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-TKL/786

- Applicant** : Mr. HAU Kin Man represented by Mr. PANG Hing Yeun
- Site** : Lots 600 S.C, 600 S.D, 600 RP, 601 S.A, 601 S.B, 601 S.C, 601 S.D, 601 S.E, 601 S.F, 601 S.G (Part), 601 S.H (Part) and 601 RP (Part) in D.D. 82, Lei Uk, Ta Kwu Ling, New Territories
- Site Area** : About 1,565.12m²
- 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
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials for a period of three years and associated filling of land at the application site (the Site) which falls within an area zoned “AGR” 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 and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is currently vacant, partly hard-paved and partly covered with grass.
- 1.2 The Site is accessible via a local track leading to Ping Che Road (**Plan A-1**). According to the applicant, about 1,021m² or about 65% of the Site is intended for open storage of construction materials (e.g. tiles, rubber tubes and wooden boards). The proposed use also involves four single-storey container structures of not more than 2.6m in height with a total floor area of about 56.12m² for office use. The applicant also applies for regularisation of filling of land in the southern portion of the Site (about 832.4m²) with concrete of about 0.2m in depth (**Drawing A-2**). Four private cars and four light goods vehicles parking spaces will be provided at the Site. The operation hours are between 10:00 a.m. and 4:30 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 proposes traffic management measures including deploying staff to manage vehicles entering/exiting the Site and installing signs to indicate no waiting of vehicle

outside the Site and prohibit illegal parking. Also, signs and alarms will be installed at the entrance of the Site to remind pedestrian to be aware of vehicles.

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

- (a) Application Form with attachment received on 2.12.2024 (Appendix I)
- (b) Supplementary Information (SI) received on 5.12.2024 (Appendix Ia)
- (c) Further Information (FI) received on 13.1.2025 and 14.1.2025* (Appendix Ib)

** 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, SI and FI at **Appendices I to Ib**, as summarised below:

- (a) many of the sites for open storage and warehouse uses have been reverted to the Government for the development of Northern Metropolis, resulting in dire shortage of these sites in the area. Open storage or warehouse use should be allowed at suitable locations;
- (b) the Site is suitable for open storage use as it is located considerably far away from Lei Uk at the north and is directly accessible to Hung Lung Hang where a lot of open storage and warehouse uses are located; and
- (c) the proposed use only involves storage use. Besides, no tree felling is proposed. Adverse noise, sewerage, environmental and traffic impacts are not anticipated.

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

The applicant is one of the “current land owners” and 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 all “current land owners”. Detailed information would be deposited at the meeting for Members’ inspection.

4. Town Planning Board Guidelines

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) promulgated by the Board on 14.4.2023 is relevant to the 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

Recent site inspection revealed that construction materials were found at the Site. The Site and its vicinity are under regular monitoring. The Site may be subject to planning enforcement actions pending collection of sufficient evidence.

6. Previous Application

- 6.1 Part of the Site is the subject of a previous application No. A/NE-TKL/726 submitted by a different applicant for proposed temporary place of recreation, sports or culture (hobby farm) and holiday camp (private tent camping ground) which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 22.12.2023. The planning approval was subsequently revoked on 22.12.2024 due to non-compliance with approval conditions. Since the previous application is for a different use, its planning considerations are not relevant to the current application.
- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown on **Plan A-1**.

7. Similar Applications

- 7.1 There were 11 similar applications (No. A/NE-TKL/642, 671, 695, 707, 714, 724, 734, 745, 746, 758 and 762) involving seven sites for temporary open storage/ temporary open storage and warehouse uses within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**). These applications falling within the Category 2 areas under TPG PG-No. 13F/13G were approved with conditions by the Committee between 2020 and 2024 mainly on the considerations that they generally complied with the relevant TPB Guidelines; and there were no major adverse departmental comments and concerns of the relevant government departments could be addressed through imposition of approval conditions.
- 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) vacant, partly hard-paved and partly covered with grass; and
 - (b) accessible via a local track leading to Ping Che Road.
- 8.2 The surrounding areas are of rural character mainly comprising open storage yards, warehouses, active and fallow agricultural land, and domestic structures. Two “Green Belt” zones are located to the immediate west and east. The “Village Type Development” zone of Lei Uk is located to the further north.

9. Planning Intention

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

- 9.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone 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 paragraph 10.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices V** and **VI** respectively.

- 10.2 The following government departments object to/ do not support the application:

Land Administration

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

- (a) she objects to 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. No right of access via Government land (GL) is granted to the Site;
- (c) the following irregularity covered by the subject planning application has been detected by her office:

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

LandsD has reservation on the planning application since there are unauthorised structures on the private lots which are already subject to lease enforcement actions according to case priority. The lot owner(s) should rectify/regularise the lease breaches as demanded by LandsD;

- (d) the lot owner shall remove the unauthorised structure not covered by the planning application immediately and, subject to approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to her office for Short Term Waiver (STW) to permit the structures to be erected. 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 fee from the first date of the unauthorised structure was erected as well as administrative fee as considered appropriate by LandsD. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and

- (e) the applicant should comply with all the land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval.

Agriculture

10.2.2 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” zone and is a partly cemented vacant land. 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.

11. Public Comments Received During Statutory Publication Period

On 10.12.2024, the application was published for public inspection. During the statutory public inspection period, four comments were received (**Appendix VII**). One comment from Kadoorie Farm & Botanic Garden Corporation suggests the Board to investigate the Site status and history and whether there is ongoing enforcement case. Two comments from The Conservancy Association and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of “AGR” zone and would cause potential adverse environmental impacts as no details on drainage and land recovery upon the end of planning approval are provided, and the Site is subject to a previously approved application No. A/NE-TKL/726 for hobby farm and holiday camp but the intention was for brownfield use. The remaining comment from a member of the North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary open storage of construction materials for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP. The proposed use 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. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, taking into account the planning assessments below, the proposed use on a temporary basis of three years could be tolerated.
- 12.2 The application involves regularisation of filling of land in the southern portion of the Site (about 832.4m²) with concrete of about 0.2m in depth. 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 (CE/MN, DSD) and the Director of Environmental Protection (DEP) have no objection to the application from the public drainage and environmental perspectives respectively. An approval condition requiring

the reinstatement of the Site to an amenity area is recommended in paragraph 13.2 below should the Committee decide to approve the application.

- 12.3 The Site is located in an area of rural character mainly comprising open storage yards, warehouses, active and fallow agricultural land, and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comments on the application from the landscape planning perspective and considers that significant adverse impact on the landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated.

- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The following considerations in the Guidelines are relevant:

Category 2 areas: planning permission could be granted on a temporary basis up to a maximum period of three years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents can be addressed through the implementation of approval conditions. Technical assessments, where appropriate or if required, should be submitted to demonstrate that the proposed uses would not have adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas.

- 12.5 The application generally complies with TPB PG-No. 13G in that relevant departments consulted, including the Commissioner for Transport, CE/MN, DSD, DEP, Director of Fire Services and Chief Engineer/Construction of Water Supplies Department, have no objection to or no adverse comment on the application. To address the technical requirements of the concerned departments, relevant approval conditions are recommended in paragraph 13.2 below. 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.

- 12.6 There were 11 similar applications within the "AGR" zone in the vicinity of the Site in the past five years. All of them fall within the Category 2 areas under TPG PG-No. 13F/13G and they were approved with conditions by the Committee between 2020 and 2024 mainly on the considerations as detailed in paragraph 7.1 above. The planning circumstances of the current application are similar to those of the approved applications. As such, approval of the current application is in line with the Committee's previous decisions.

- 12.7 Regarding the public comments as detailed in paragraph 11, government departments' comments and planning assessments above are relevant.

13. Planning Department's Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department considers that the proposed use could be tolerated for a period of three years.
- 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 24.1.2028. 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 24.7.2025;
- (b) in relation to (a) above, the provision of 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 24.10.2025;
- (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 24.7.2025;
- (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 24.10.2025;
- (f) if the above planning condition (c) 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;
- (g) if any of the above planning condition (a), (b), (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; and
- (h) upon expiry of the planning permission, the reinstatement of the Site to an amenity area 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 proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which is intended 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. There is no strong planning justification in the submission for a departure from the 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

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| Appendix I | Application Form with Attachments received on 2.12.2024 |
| Appendix Ia | SI received on 5.12.2024 |
| Appendix Ib | FI received on 13.1.2025 and 14.1.2025 |
| Appendix II | Relevant Extracts of TPB PG-No. 13G |
| Appendix III | Previous Application |
| 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 |
| 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
JANUARY 2025**