

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/213

<u>Applicant</u>	: Pacific City International Development Limited represented by LCH Planning & Development Consultants Limited
<u>Site</u>	: Lots 145 (Part), 146 (Part), 147 RP (Part) and 175 RP (Part) in D.D. 38, Man Uk Pin, New Territories
<u>Site Area</u>	: About 410m ²
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<u>Zoning</u>	: “Residential (Group D)” (“R(D)”)
<u>Application</u>	: Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Office 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 office for a period of three years at the application site (the Site) which falls within an area zoned “R(D)” 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 within the “R(D)” zone requires planning permission from the Town Planning Board (the Board). The Site is paved and partly occupied by vacant temporary structures.
- 1.2 The Site is accessible via a local access road leading to Sha Tau Kok Road – Wo Hang (**Plan A-2**). According to the applicant, the proposed use involves three single-storey structures for warehouse with ancillary office with a total floor area of about 250m² and a height of about 3m to 5m. The warehouse will be used for storage of construction materials and no polluting or dangerous goods will be stored at the Site. Two loading/unloading (L/UL) bays (one for private cars and one for light goods vehicles (LGVs)) will be provided at the Site. The operation hours are between 9 a.m. and 7 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 According to the applicant, queuing up of vehicles at the ingress/egress is not anticipated. Road bumps and a warning sign will be installed at the ingress/egress to ensure the safety of drivers and pedestrians.

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

- | | | |
|-----|---------------------------------------------------------|----------------------|
| (a) | Application Form with attachments received on 17.1.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 26.2.2025* | (Appendix Ia) |
| (c) | FI received on 10.3.2025* | (Appendix Ib) |
| (d) | FI received on 21.3.2025* | (Appendix Ic) |

** accepted and exempted from publication and recounting requirements*

1.5 On 14.3.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Ic**, as summarised below:

- (a) portions of the Site have been used for storage for more than 20 years, with aerial photos indicating the presence of structures at the Site back in 1990. The proposed warehouse use should be considered as an existing use with further expansion on development scale;
- (b) the growth of economic and industrial activities in the area implies the need of warehouse and open storage facilities. The proposed use at the Site can support the development in the northern metropolitan region;
- (c) approval of the proposed use on a temporary basis for a period of three years will not jeopardize the long-term planning intention of the "R(D)" zone;
- (d) there is an approved application No. A/NE-MUP/185 for similar use within the same "R(D)" zone; and
- (e) the proposed use is compatible with the surrounding areas which mainly comprise warehouse and temporary structures. No adverse visual, landscape, traffic and environmental impacts are anticipated. The applicant will apply Short Term Waiver (STW) from the Lands Department (LandsD) upon approval of the planning 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 obtaining consent of two "current land owners", posting site notice, and sending notice to Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

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

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

6.1 There was one similar application (No. A/NE-MUP/185) for proposed temporary warehouse with ancillary facilities for a period of three years and associated filling of land within the same “R(D)” zone in the vicinity of the Site in the past five years. The application was approved with conditions by the Committee on 19.5.2023 mainly on the considerations that the proposed use was not incompatible with the surrounding area; and there was no adverse departmental comment or their concerns could be addressed by relevant approval conditions.

6.2 Details of the similar application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) paved and partly occupied by vacant temporary structures; and
- (b) accessible via a local access road leading to Sha Tau Kok Road – Wo Hang.

7.2 The surrounding areas are of rural character mainly comprising domestic structures, parking of vehicles, car repairing workshop, storage yards and vacant land.

8. Planning Intention

The planning intention of the “R(D)” zone is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 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 III** and **IV** respectively.

9.2 The following government department objects to the application:

Land Administration

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

- (a) he 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. The applicant should make his own arrangements for acquiring access to the Site. The Government shall accept no responsibility in such arrangements;
- (c) the Site is already being used for the use under the application;
- (d) the following irregularity covered by the subject planning application has been detected by his office:

unauthorised structures within the said private lots covered by the planning application

LandsD has reservation on the planning application since there are unauthorised structures on Lot Nos. 145 and 147 RP in D.D. 38 which are already subject to lease enforcement actions according to case priority. The lot owners should rectify the lease breaches as demanded by LandsD;

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

unauthorised structures within the said private lots not covered by the planning application

there are unauthorised structures within Lot Nos. 145 and 175 RP in D.D. 38 not covered by the subject planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (f) erection of unauthorised structures should not be encouraged. The lot owners/applicant shall either (i) remove the unauthorised structures not covered by the subject planning application immediately; or (ii) include the unauthorised structure in the subject planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for STW to permit the structures erected/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 application for 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 the unauthorised structures were erected 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 for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered; and

- (g) unless and until the unauthorised structures are duly rectified by the lot owners/applicant or entirely included in the subject planning application, he objects to the application which must be brought to the attention of the Board when they consider the application.

10. Public Comments Received During Statutory Publication Period

On 24.1.2025, the application was published for public inspection. During the statutory public inspection period, three comments were received (**Appendix V**). One comment from an individual supports the application as the proposed use can fully utilize land reserve. One comment from the Sha Tau Kok District Rural Committee indicates that the representatives of Man Uk Pin and Loi Tung object to the application mainly on the grounds that the proposed use will generate traffic of heavy goods vehicles and induce adverse traffic impact. The remaining comment from an individual also objects to the application mainly on the grounds that the Site is paved with concrete and majority of the Site has been used for warehouse use.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary office for a period of three years at the Site zoned “R(D)” on the OZP. The proposed use is not in line with the planning intention of the “R(D)” zone, which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. Nevertheless, there is no known development proposal at the Site. It is considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “R(D)” zone.
- 11.2 The surrounding areas are of rural character mainly comprising domestic structures, parking of vehicles, car repairing workshop, storage yards and vacant land. According to the applicant, the warehouse will be used for storage of construction materials and no polluting or dangerous goods will be stored at the Site. The proposed use is considered not entirely incompatible with the surrounding areas.
- 11.3 The Site is accessible via a local access road leading to Sha Tau Kok Road – Wo Hang. The Commission for Transport has no comment on the application from traffic engineering perspective. Other government departments consulted, including the Director of Environmental Protection, 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 are recommended in paragraph 12.2 below. Regarding DLO/N, LandsD’s concern on the unauthorised structures, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.4 There was one similar application (No. A/NE-MUP/185) for proposed temporary warehouse with ancillary facilities for a period of three years and associated filling of land falling within the same “R(D)” zone in the vicinity of the Site. The application was approved with conditions by the Committee on 19.5.2023 mainly on the considerations as detailed in paragraph 6.1 above. The planning circumstances of the current application

are similar to those of the approved application. As such, approval of the current application is in line with the Committee's previous decision.

- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government 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, the Planning Department 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 2.5.2028. 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 2.11.2025;
- (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 2.2.2026;
- (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 2.11.2025;
- (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 2.2.2026;
- (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; and
- (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.

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 Members' reference:

the proposed use is not in line with the planning intention of the "R(D)" zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. 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 17.1.2025
Appendix Ia	FI received on 26.2.2025
Appendix Ib	FI received on 10.3.2025
Appendix Ic	FI received on 21.3.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout 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
MAY 2025**