

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/214

- Applicant** : Best Holly Limited represented by R-riches Property Consultants Limited
- Site** : Lots 107 (Part), 109 (Part), 115 (Part), 116 (Part), 117, 118, 119, 120, 121, 122, 123, 124 S.A, 124 S.B, 125, 126 (Part), 127 (Part), 128 (Part), 131, 133 (Part), 134, 135 (Part), 136, 141, 142, 143, 144 RP (Part), 148, 150, 151 and 152 in D.D. 38 and adjoining Government Land (GL), Man Uk Pin, Sha Tau Kok, New Territories
- Site Area** : About 11,698m² (including about 2,822m² of GL, or about 24% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
- Zonings** : (i) “Residential (Group D)” (“R(D)”) (about 98.3% of the Site)
(ii) “Agriculture” (“AGR”) (about 1.7% of the Site)¹
- Application** : Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities for a Period of Three Years and Associated Filling of Land

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 and associated filling of land 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 largely paved and vacant.
- 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 comprises six one to two-storey structures (building height of about 3.5m to 13m) with a total floor area of about 11,776m² for warehouse (for storage of miscellaneous goods, e.g. kitchenware, toiletries, furniture, consumer electronics, etc.), rain shelter for loading/unloading (L/UL), site office, utilities and meter room, washroom and caretaker office. Four private car parking spaces and four L/UL bays (two for medium goods vehicle and two for container vehicle) are proposed at

¹A narrow strip of the Site falls within the “AGR” zone on the OZP, which is considered as minor boundary adjustment. In view of this, the planning assessment does not include “AGR” zone.

the Site. The operation hours of the proposed use is between 9:00 a.m. and 7:00 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 According to the applicant, no open storage/workshop activities or storage of dangerous goods will be allowed at the Site, and a 2.5m high solid metal wall will be erected along the site boundary to minimise the potential nuisance to the surroundings. The applicant also submits a drainage impact assessment (DIA), fire service installations (FSIs) proposal and a geotechnical planning review report in support of the application. The proposed drainage and FSIs plans are shown in **Drawings A-2 and A-3** respectively.
- 1.4 The Site is the subject of a previous planning application No. A/NE-MUP/185 submitted by the same applicant for the same use as the current application, which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 19.5.2023. The planning approval was subsequently revoked on 19.2.2025 due to non-compliance with approval conditions. Details of the previous application are set out in paragraph 5 below. Compared with the previous approved application, the layout and major development parameters remain unchanged, except for a reduction of the total floor area from 15,105m² to 11,776m² (-3,329m² / -22%) and relocation of private car parking spaces.
- 1.5 In support of the application, the applicant has submitted the following documents:
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|-----|--|----------------------|
| (a) | Application Form with attachments received on 6.2.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 16.4.2025* | (Appendix Ia) |
| (c) | FI received on 9.5.2025 [#] | (Appendix Ib) |
| (d) | FI received on 22.5.2025 [#] | (Appendix Ic) |
- * accepted but not exempted from publication and recounting requirements*
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- 1.6 On 28.3.2025, the Committee agreed to the applicant's request to defer marking 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) the proposed use will better utilize land resources and create new job opportunities in the New Territories;
- (b) the proposed use is considered not incompatible with the surrounding area which is dominated by storage and workshop uses. Regarding the concern on the impact of Lot 148 in D.D. 38 within the Site on the existing access, the applicant advises that the proposed use shall not hinder any lot owners/occupiers from the right of access to a public road, noting that Sha Tau Kok Road can be accessed from a local access via adjoining GL and a private lot outside the Site. The applicant will continue to liaise with the surrounding lot owners/occupiers;
- (c) the approval of the application on a temporary basis will not frustrate the long-term planning intention;

- (d) the Site is the subject of a previously approved application (No. A/NE-MUP/185) submitted by the same applicant for the same use. The approval conditions in relation to the submission of DIA and FSIs proposal were complied with in June 2024 and November 2024 respectively. The Short Term Waiver (STW) application for erection of structures was also approved by Lands Department (LandsD) in July 2024. However, the applicant was unable to identify a suitable contractor to complete the implementation works before the revocation of the previous planning approval. Currently, the applicant has selected the contractors and is ready to commence the implementation works of FSIs proposal, drainage facilities and solid metal wall after obtaining the planning permission from Board;
- (e) there is a similar application approved with conditions by the Board in the vicinity of the Site. Approval of the current application is in line with the Board's previous decision and will not set an undesirable precedent; and
- (f) the proposed use will not create significant nuisance to the surrounding areas. The applicant will comply with all environment protection/pollution control ordinances, and follow relevant mitigation measures and requirements in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) issued by the Environmental Protection Department (EPD).

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 sending notice to Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members' inspection. For the GL portion within the Site, TPB PG-No. 31B is not applicable.

4. Background

Part of the Site was the subject of a planning enforcement case against an unauthorized development (UD) involving workshop use. An Enforcement Notice was issued on 6.9.2022. Subsequent site inspection revealed that the UD has been discontinued. The Compliance Notice was issued on 20.4.2023.

5. Previous Application

- 5.1 The Site is the subject of a previous application No. A/NE-MUP/185 for the same use submitted by the same applicant as the current application, which 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. While the applicant complied with the approval conditions on the submission of DIA and FSIs proposal, the planning approval was subsequently revoked on 19.2.2025 due to non-compliance with approval conditions on the implementation of the mitigation measures identified in the DIA, the implementation of the FSIs proposal, and the provision of 2.5m high solid metal wall.

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

6. Similar Application

There is no similar application within the same “R(D)” zone in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) largely paved and vacant; 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 car repairing workshop, storage yards, warehouse and parking of vehicles. There are domestic structures located to the northeast and west of the Site, and the nearest one is located to its immediate northeast.

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 departments as set out in paragraphs 9.2 and 9.3 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 departments do not support or have adverse comment on the application:

Agriculture and Nature Conservation

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

- (a) the Site is generally vacant. 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. As the Site generally possesses potential for agricultural rehabilitation, the proposed use at the “AGR” portion of the Site, which is intended to be used for

agricultural rehabilitation, is not supported from agricultural perspective²; and

- (b) the Site is paved. He has no comment on the application from nature conservation perspective.

Environment

9.2.2 Comments of the Director of Environmental Protection (DEP):

- (a) according to the COP, the application should not be supported as there are residential structures in the vicinity of the Site (nearest one located to its immediate northeast) (**Plan A-2**) and the use of heavy vehicles is involved;
- (b) since the applicant undertakes to provide the 2.5m high solid metal wall and residential structures are identified in the vicinity, an approval condition for the provision of metal wall same as the previously approved planning application No. A/NE-MUP/185 shall be imposed;
- (c) no environmental complaint against the Site was received in the past three years; and
- (d) his advisory comments are at **Appendix IV**.

9.3 The following government department has relayed the local views on the application:

District Officer's Comments

9.3.1 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD) are as follows:

the Chairman of Lung Shan Area Committee indicates no comment on the application.

10. Public Comments Received During Statutory Publication Periods

On 14.2.2025 and 29.4.2025, the application was published for public inspection. During the statutory public inspection periods, six comments were received (**Appendix V**). Three comments from individuals/ residents of the area object to the application mainly on the grounds that the proposed use will affect existing access of the nearby residents, and some private lots within the Site are subject to adverse possession claim. One comment from an individual provides views that the Members' duty is to ensure the safety of the community instead of protecting the interests of the operator. The remaining two comments from a member of the North District Council indicate no comment on the application.

² The "AGR" portion of the Site is considered as minor boundary adjustment and not included in the planning assessment. Footnote 1 above refers.

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 and associated filling of land 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 at the Site and it is considered that the 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 car repairing workshop, storage yards, warehouse, parking of vehicles and domestic structures. The Chief Town Planning/Urban Design and Landscape of Planning Department has no adverse comment on the application from the landscape planning perspective and advises that significant adverse impact on the landscape character and existing landscape resources within the Site arising from the proposed use is not anticipated.
- 11.3 While DEP does not support the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected, the applicant will be advised to follow the environmental mitigation measures set out in the COP to minimise any potential environmental nuisance caused by the proposed use. Also, according to the applicant, a 2.5m high solid metal wall will be erected along the site boundary to minimise the potential nuisance to the surroundings. Other relevant departments consulted, including the District Lands Officer/North, LandsD, Commissioner for Transport, Director of Fire Services (D of FS), Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H (GEO), CEDD) have no objection to or no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.4 The Site is the subject of a previous application (No. A/NE-MUP/185) for the same use submitted by the same applicant as the current application, which was approved with conditions by the Committee on 19.5.2023 mainly on the considerations as details in paragraph 5.1 above. The planning approval was subsequently revoked on 19.2.2025 due to non-compliance with approval conditions. The applicant advises that he has selected the contractors and is ready to commence the works to comply with approval conditions on the implementation of the FSIs proposal, drainage facilities and solid metal wall after obtaining planning permission from the Board. In support of the current application, the applicant submits DIA and FSIs proposal, and CE/MN, DSD and D of FS have no in-principle objection to the application. Compared with the last approved application, the current application only involves reduction of total floor area and relocation of private car parking spaces. 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. Should the Committee decide to approve the application, the applicant will be advised that should they fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further application.
- 11.5 Regarding the public comments as detailed in paragraph 10 above, the government departments’ comments and planning assessments above are relevant. With regard to the

objecting public comments concerning the land matters, an advisory clause reminding the applicant to resolve any land issues with the concerned owner(s) is recommended at **Appendix IV**.

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 6.6.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a Natural Terrain Hazard Study before the commencement of any construction works or operation to the satisfaction of the Director of Civil Engineering and Development Department or of the Town Planning Board;
- (b) in relation to (a) above, the implementation of any necessary mitigation measures identified therein before the commencement of any operation to the satisfaction of the Director of Civil Engineering and Development Department or of the Town Planning Board;
- (c) the implementation of the mitigation measures identified in the accepted drainage impact assessment 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 6.3.2026;
- (d) in relation to (c) above, the implemented drainage facilities shall 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 6.12.2025;
- (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 6.3.2026;
- (g) the provision of 2.5m high solid metal wall along the site boundary, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 6.3.2026;
- (h) if the above planning condition (a) is not complied with before the commencement of any construction works or operation, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (i) if the above planning condition (b) 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;
- (j) if the above planning condition (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; and
- (k) if any of the above planning condition (c), (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.

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 and associated filling of land 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 6.2.2025
Appendix Ia	FI received on 16.4.2025
Appendix Ib	FI received on 9.5.2025
Appendix Ic	FI received on 22.5.2025
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan

Drawing A-3	FSIs Proposal
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
JUNE 2025