

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/216

<u>Applicant</u>	:	Mr. TANG Tze Kin represented by M&D Planning and Construction Consultant Limited
<u>Site</u>	:	Lot 188 (Part) in D.D. 38, Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 488.6m 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>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Open Storage of Construction Machinery, Tools and Materials 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 machinery, tools and materials 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 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 paved and currently used for open storage without valid planning permission.
- 1.2 The Site is accessible to Sha Tau Kok Road – Wo Hang via the adjoining Lot 189 RP in D.D. 38 to the immediate south of the Site (the Adjoining Lot)(**Plan A-2**). According to the applicant, the application serves to provide additional open storage space to the existing operation at the Adjoining Lot, which is covered by an approved application No. A/NE-MUP/207 for proposed temporary open storage of construction materials with ancillary facilities and associated filling of land¹. The entire Site is used for open storage with no structure proposed. The applicant also applies for regularisation of filling of land for the entire Site by concrete and gravel with about 0.5m in depth for operational needs and to prevent soil degradation and pollution. The applicant undertakes to reinstate the

¹ Application No. A/NE-MUP/207 at the Adjoining Lot submitted by a different applicant (澳達物業有限公司) was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 4.10.2024. According to the approved scheme, application No. A/NE-MUP/207 involves a site area of about 1,859.12m², a total floor area of about 465.46m² for open-sided shelter, storage and office uses, and provision of six private car parking spaces and a medium goods vehicle parking space/ loading/ unloading bay. According to the current applicant, he and 澳達物業有限公司 are the registered owners of the two respective application sites, which are leased to the same business operator.

Site upon expiry of the planning permission. The proposed operation hours are between 9a.m. and 6p.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 vehicles will enter or park at the Site, and the materials to be stored at the Site will be delivered from the Adjoining Lot. A 2m tall fence wall will be installed and sandbags will be provided to prevent debris from entering the pond to the north of the Site, and there will be no storage of sand at the Site to minimise pollution risk.
- 1.4 In support of the application, the applicant has submitted the following documents:
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|--|---------------|
| (a) Application Form with attachments received on 4.6.2025 | (Appendix I) |
| (b) Further Information (FI) received on 9.7.2025 and 11.7.2025* | (Appendix Ia) |
| (c) FI received on 22.7.2025* | (Appendix Ib) |
| (d) FI received on 23.7.2025* | (Appendix Ic) |
| (e) FI received on 25.7.2025* | (Appendix Id) |
- *accepted and exempted from the 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 and FIs at **Appendices I to Id**, as summarised below:

- (a) the applicant's business, which was affected by the Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA) development, was relocated to the Adjoining Lot with an approved application (No. A/NE-MUP/207). Due to a recent service agreement with CLP Power Hong Kong Limited for cable laying and emergency electricity maintenance works in various NDA projects in the New Territories, additional storage space is required to meet the applicant's operational need. Approval of the application can support the government's development projects;
- (b) the Site falls within the 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). Approval on a temporary basis can be given to the application; and
- (c) the applied use is compatible with the surrounding area which is mainly occupied by warehouse and open storage use. No adverse traffic, environmental, landscape, drainage or sewerage impacts arising from the applied use are anticipated.

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

The applicant is the sole "current land owner" of the Site. 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. Town Planning Board Guideline

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**.

6. Previous Application

There is no previous application at the Site.

7. Similar Applications

7.1 There were three similar applications (No. A/NE-MUP/192, 207 and 215) for proposed temporary open storage falling 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 between 2023 and 2025 mainly on the considerations that the application sites fell within the Category 2 areas and the applications generally complied with TPB PG-No. 13G in that there were no major adverse departmental comment or their concerns could be addressed by relevant approval conditions. Application No. A/NE-MUP/207 at the Adjoining Lot was approved also on the consideration that the proposed use was to facilitate the relocation of business operation affected by KTN/KLN NDA development and policy support from the Secretary for Development was obtained.

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

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

8.1 The Site is:

- (a) paved and currently used for open storage without valid planning permission; and
- (b) accessible to Sha Tau Kok Road – Wo Hang via the Adjoining Lot.

8.2 The surrounding areas are of rural character mainly comprising open storage yards, temporary structures, residential dwellings, parking of vehicles and car repairing workshop. An open storage yard covered by an approved application (No. A/NE-MUP/207) is located to the immediate south of the Site. To the north and northwest of the Site are a pond and a “Green Belt” (“GB”) zone respectively.

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 department 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 IV** and **V** respectively.

- 10.2 The following government department does not support the application:

Agriculture and Nature Conservation

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

Agricultural Perspective

- (a) the Site falls within the “AGR” zone and 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 possesses potential for agricultural rehabilitation, the applied use is not supported from the agricultural perspective;

Nature Conservation Perspective

- (b) he has no comment on the application from nature conservation perspective; and
- (c) his advisory comments are at **Appendix V**.

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

District Officer’s Comments

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

a resident of Man Uk Pin objects to the application.

11. Public Comments Received During Statutory Publication Period

On 13.6.2025, the application was published for public inspection. During the statutory public inspection period, three comments were received (**Appendix VI**). A comment from an individual objects to the application mainly on the grounds that the Site is in close proximity to a pond and the “GB” zone, and there is no previously approved application at the Site. The remaining two comments from a member of the North District Council and the Chairman of the Lung Shan Area Committee indicate no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for temporary open storage of construction machinery, tools and materials and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP (**Plan A-1**). The applied 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 agricultural perspective as the Site possesses potential for agricultural rehabilitation. According to the applicant, the application serves to provide additional open storage space to the existing operation at the Adjoining Lot, which is covered by an approved application No. A/NE-MUP/207 for temporary open storage use. 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 and gravel with about 0.5m in depth. Filling of land within the “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 drainage and environmental perspectives respectively. 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 is situated in an area of rural character mainly comprising open storage yards, temporary structures, residential dwellings, parking of vehicles, car repairing workshop and a pond. An open storage yard covered by an approved application (No. A/NE-MUP/207) is located to the immediate south of the Site. The applied use is considered not entirely incompatible with the surrounding areas. The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment 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 is not anticipated. To minimise the impact on the nearby pond, the applicant advises that a 2m tall fence wall will be installed and sandbags will be provided to prevent debris from entering the pond to the north of the Site, and there will be no storage of sand at the Site.
- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that relevant government departments consulted, including the Commissioner for Transport, CE/MN, DSD, DEP, Chief Highway Engineer/New Territories East of Highways Department and Director of Fire Services have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below.
- 12.5 There were three similar applications (No. A/NE-MUP/192, 207 and 215) for proposed temporary open storage falling 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 between

2023 and 2025 based on the considerations set out in paragraph 7.1 above. Approval of the current application is in line with the Committee's previous decisions.

- 12.6 Regarding the local comment conveyed by DO(N), HAD and the public comments as detailed in paragraphs 10.3 and 11 above, the 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 local comment conveyed by DO(N), HAD and public comments as detailed in paragraphs 10.3 and 11 above, the Planning Department 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 1.8.2028. 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 1.2.2026;
- (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 1.5.2026;
- (c) in relation to (b) above, the implemented drainage facilities at the Site 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 1.2.2026;
- (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 1.5.2026;
- (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;
- (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 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 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

Appendix I	Application Form with attachments received on 4.6.2025
Appendix Ia	FI received on 9.7.2025 and 11.7.2025
Appendix Ib	FI received on 22.7.2025
Appendix Ic	FI received on 23.7.2025
Appendix Id	FI received on 25.7.2025
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
AUGUST 2025**