

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/261

- Applicant** : Yetroy Investment Limited
- Site** : Lots 187 S.A (Part) and 188 (Part) in D.D. 52 and Adjoining Government Land (GL), Fu Tei Au, Sheung Shui, New Territories
- Site Area** : About 3,368m² (includes GL of about 1,508m² or about 45% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zonings** : (i) “Other Specified Uses” annotated ‘Port Back-up Uses’ (“OU(PBU)”) (about 95.5%)
(ii) “Agriculture” (“AGR”) (about 1.5%)
(iii) “Green Belt” (“GB”) (about 3%)
- Application** : Proposed Temporary Dangerous Goods (DG) Godown (Classes 2 to 9 DG) with Ancillary Office and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary DG godown (Classes 2 to 9 DG) with ancillary office and associated filling of land for a period of three years at the application site (the Site) (**Plan A-1**). The Site falls largely within an area zoned “OU(PBU)” with minor portions zoned “AGR” and “GB” on the OZP¹. According to the Notes of the OZP, ‘Dangerous Goods Godown’ is a Column 2 use within the “OU(PBU)” zone, which requires planning permission from the Town Planning Board (the Board). The Site is generally formed, partly hard-paved and fenced-off, and largely vacant (**Plans A-4a to 4e**).
- 1.2 The Site is accessible via a local track leading to Man Kam To Road (**Plan A-1**). According to the applicant, the proposed use consists of a four-storey temporary structure with building height (BH) of not more than 15m and a total floor area of about 4,366m²

¹ Minor portions of the Site fall within areas zoned “AGR” (about 51m² or 1.5% of the Site) and “GB” (about 101m² or 3% of the Site) on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/18, which can be regarded as minor boundary adjustment in accordance with the covering Notes of the OZP, and are not included in the planning assessment.

for storage of DG ² (e.g. perfume, alcohol, battery, painting, aerosol products and medical supplies), which are subject to regulation under the Dangerous Goods Ordinance (Cap. 295), with a total storage capacity of not more than 300 tonnes, ancillary office, electrical and mechanical rooms, bromotrifluoromethane (BTM) rooms, traffic warden room and toilets. Three parking spaces for private car (5m (L) x 2.5m (W) each) and three parking and loading/unloading spaces for medium or heavy goods vehicle (rigid) (11m (L) x 3.5m (W) each) are proposed within the Site. An ingress/egress with 12m in width is proposed at the southern boundary of the Site, while another ingress/egress with 6m in width for government department/authorised vehicle only is proposed at the northern boundary of the Site. Noting that the Site is overlooked by a steep natural hillside to the northwest, a strip of land along northwestern part of the Site is designated as a 6m wide 'no-build' zone for emergency vehicular access only. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The floor plans submitted by the applicant are shown in **Drawings A-1 and A-2**.

1.3 According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site and no vehicle will queue back on the local road; warning signs will be installed at the ingress/egress; and staff will be deployed to manage the traffic and ensure the safety of pedestrians. A drainage proposal (**Drawing A-3**) with provision of U-channels and catchpits along the site boundaries is submitted by the applicant in support of the application. The applicant also proposes filling of land of about 3,362m² (about 99.8% of the Site) at a depth of about 0.2m to 1.2m for site formation purpose ³ (**Drawing A-4**).

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

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|-----|---|------------------------|
| (a) | Application Form received on 24.6.2025 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 3.7.2025 | (Appendix Ia) |
| (c) | Further Information (FI) received on 9.7.2025* | (Appendix Ib) |
| (d) | FI received on 11.7.2025* | (Appendix Ic) |
| (e) | FI received on 29.7.2025* | (Appendix Id) |
| (f) | FI received on 30.7.2025* | (Appendix Ie) |
| (g) | FI received on 4.8.2025* | (Appendix If) |
| (h) | FI received on 8.8.2025* | (Appendix Ig) |
| (i) | FI received on 11.8.2025* | (Appendix Ih) |
| (j) | FI received on 12.8.2025* | (Appendix Ii) |

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

- (a) the proposed use is considered in line with the planning intention of the "OU(PBU)" zone;

² According to the applicant, the proposed types of DG to be stored at the Site include: (i) Class 2: Gases; (ii) Class 3: Flammable liquids; (iii) Class 4: Flammable solids, substances liable to spontaneous combustion, and substances which, in contact with water, emit flammable gases; (iv) Class 5: Oxidizing substances and organic peroxides; (v) Class 6: Toxic and infectious substances; (vi) Class 7: Radioactive material; (vii) Class 8: Corrosive; and (viii) Class 9: Miscellaneous dangerous substances.

³ There is no land filling clause under the subject "OU(PBU)" zone.

- (b) the Site falls within Category 1 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), which are areas considered suitable for open storage and port back-up uses;
- (c) the Site is far away from sensitive receivers and the surrounding areas are rural in character and intermixed with logistics centres and open storage yards. The proposed use is not incompatible with the surrounding land uses predominantly occupied by open storage yards and warehouses;
- (d) as the Site is located in close proximity to the boundary crossing point (BCP), the proposed use could meet the demand for cross-boundary trade, optimise the use of land resources, drive economic activities and bring job opportunities;
- (e) no adverse traffic, drainage, sewerage, environmental and ecological impacts are anticipated. Should the application be approved, the applicant will submit application for DG licence under the Dangerous Goods Ordinance (Cap. 295); and
- (f) the applicant will engage authorized persons and registered structural engineer and consult the Buildings Department and Fire Services Department (FSD) to ensure compliance with all relevant safety requirements and regulations.

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 posting site notice and sending a notice to Sheung Shui District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Applications

- 5.1 The Site is the subject of three previous applications (No. A/NE-FTA/70, 93 and 235) submitted by different applicants for open storage/warehouse uses, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2005 and 2023. Their considerations are not applicable to the current application which involves a different use.
- 5.2 Details of the previous applications are summarised at **Appendix III** and their locations are shown in **Plan A-1**.

6. Similar Application

There is no similar application for DG godown use within the same “OU(PBU)” zone on the OZP in the past five years.

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

7.1 The Site is:

- (a) generally formed, partly hard-paved and fenced-off, and largely vacant;
- (b) located in a cluster of warehouses and logistics centres covered by valid planning permissions (applications No. A/NE-FTA/236, 249 and 252); and
- (c) accessible via a local track leading to Man Kam To Road.

7.2 The surrounding areas are rural in character comprising warehouses, logistics centres, open storages/storage yards, domestic structures, vacant land and tree clusters. Domestic structures can be found in the vicinity with the nearest located at about 40m to the south of the Site. The southern part of the Site encroaches upon a 15m-wide waterworks reserve. A watercourse runs at about 30m to the west of the Site. To the immediate north of the Site is a wooded area intermixed with storage yards and temporary structures zoned “GB”.

8. Planning Intention

The planning intention of the “OU(PBU)” zone is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses.

9. Comments from Relevant Government Departments

9.1 Apart from the government departments 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 departments object to/do not support the application:

Land Administration

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

- (a) he has objection 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. The proposed ingress/egress of the Site is required to pass through GL but no right of access via GL is granted to the Site;

- (c) the following irregularity covered by the subject planning application has been detected by his office:

Unlawful occupation of GL adjoining the said private lots with unauthorised structures covered by the planning application

the GL within the Site (about 1,508m² as mentioned in the Application Form) has been illegally occupied with unauthorised structures without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (the LMP Ordinance). Notwithstanding the applicant's submission and the Board's approval (if any) of the subject planning application, his office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (d) the following irregularities not covered by the subject planning application have been detected by his office:

(i) Unauthorised structures within the said private lot not covered by the planning application

there are unauthorized structures within Lot 188 in D.D. 52 and extended to adjoining GL not covered by the subject planning application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

(ii) Unlawful occupation of GL not covered by the planning application

the GL adjoining Lot 188 in D.D. 52 has been illegally occupied with unauthorised structures without any permission. The GL being illegally occupied is not included in the application. Any occupation of GL without Government's prior approval is an offence under the LMP Ordinance. Notwithstanding the applicant's submission and the Board's approval (if any) of the subject planning application, his office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the lot owner shall either remove the unauthorised structures and cease the illegal occupation of the GL not covered by the subject planning application immediately; or include the unauthorized structures and the adjoining GL being illegally occupied in the subject planning application for further consideration by relevant government departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, apply to his office for Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structures erected/to be erected and the occupation of the GL. The applications for STW and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. In particular, notwithstanding the approval of the Board, the size of GL (if approved under the STT) is subject to further consideration of the Government and would not necessarily follow the size of the GL in the subject planning application. Besides, the STW would be processed

on whole lot basis. The STW and STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date when the unauthorized structure was erected and the occupation of GL was detected as well as payment of 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 and land control action for any unlawful occupation of GL. Besides, given the proposed use is temporary in nature, only erection of temporary structures will be considered;

- (f) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner or entirely included in the subject planning application, 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
- (g) the applicant should comply with all land filling requirements imposed by relevant government departments. GL should not be disturbed unless with prior approval.

Environment

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

- (a) he is unable to lend support to the application from environmental planning perspective as the proposed use involves the use of heavy vehicles and domestic structures are located within 100m from the site boundary (**Plan A-2**);
- (b) there was one non-substantiated environmental complaint, which was related to disposal of construction and demolition waste in 2023 pertaining to the Site received in the past three years;
- (c) should the application be approved, the applicant is advised to follow the requirements of the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' (COP) and the Professional Persons Environmental Consultative Committee (ProPECC) Practice Note (PN) 1/23 'Drainage Plans subject to Comment by the Environmental Protection Department – Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I) Section 40(1), 40(2), 41(1) and 90'; and
- (d) the applicant should adhere to all relevant requirements as set forth by FSD concerning transport and storage of DGs.

10. Public Comments Received During Statutory Publication Period

On 4.7.2024, the application was published for public inspection. During the statutory public inspection period, 20 public comments were received (**Appendix V**). The public comments from Sha Tau Kok District Rural Committee and 19 individuals (including 18 in the form of

standard letters) object to the application mainly on the grounds that the Site involves suspected unlawful occupation and excavation of GL, unauthorised felling of trees, adverse traffic impact on the local track leading to Man Kam To Road and encroachment on “GB” zone.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary DG godown (Classes 2 to 9 DG) with ancillary office and associated filling of land for a period of three years at the Site zoned “OU(PBU)” on the OZP (**Plan A-1**). The proposed use consists of a 4-storey godown with a BH of not more than 15m and a total floor area of about 4,366m² for storage of Classes 2 to 9 DG. According to the applicant, the Site, located in a rural area predominantly occupied by open storage yards and warehouses with no major residential clusters nearby and close to the BCP, is an ideal location for the proposed use which could serve the genuine need of DG godown in the territory. While the proposed use is considered not entirely in line with the planning intention of the “OU(PBU)” zone which is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses, it is a Column 2 use that may be permitted with or without conditions on application to the Board based on individual merits and subject to no adverse drainage, traffic, sewerage and environmental impacts on the surrounding areas. Furthermore, approval of the application for the proposed use on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “OU(PBU)” zone.
- 11.2 The Site, situated in an area of rural character intermixed with warehouses, logistics centres, open storages/storage yards, domestic structures, vacant land and tree clusters, is generally formed, partly hard-paved and fenced-off, and largely vacant (**Plans A-2 to A-4e**). The proposed use is considered not incompatible with the surrounding land uses. Noting that the existing trees within the Site are not considered as significant landscape resources, the Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment on the application from landscape planning perspective.
- 11.3 While DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (**Plan A-2**), no substantiated environmental complaint pertaining to the Site was received in the past three years. Should the application be approved, the applicant will be advised to follow the latest COP and to provide sewerage facilities in accordance with ProPECC PN 1/23 in order to minimise the possible environmental nuisance on the surroundings.
- 11.4 The Director of Fire Services has no in-principle objection to the application subject to the provision of fire service installations and water supplies for firefighting. Should the application be approved, the applicant will be advised to observe relevant guidelines and submit a separate application for DG licence(s) which would be further examined by FSD. Other concerned government departments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, Head of Geotechnical Engineering Office, Civil Engineering and Development Department and Commissioner for Transport, 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 concerns on the unauthorised structures and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.5 Regarding the public comments mentioned in paragraph 10 above, the government departments' comments and the planning assessments above are relevant. Regarding the encroachment of the "GB" zone, the area involved is minor (about 101m² or 3% of the Site) which can be regarded as minor boundary adjustment in accordance with the covering Notes of the OZP.

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 15.8.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 15.2.2026;
- (b) in relation to (a) above, the implementation of the 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 15.5.2026;
- (c) in relation to (b) above, the implemented drainage facilities should 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 15.2.2026;
- (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 15.5.2026;
- (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; 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 "OU(PBU)" zone which is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. There is no strong justification in the submission for a departure from such 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 received on 24.6.2025
Appendix Ia	SI received on 3.7.2025
Appendix Ib	FI received on 9.7.2025
Appendix Ic	FI received on 11.7.2025
Appendix Id	FI received on 29.7.2025
Appendix Ie	FI received on 30.7.2025
Appendix If	FI received on 4.8.2025
Appendix Ig	FI received on 8.8.2025
Appendix Ih	FI received on 11.8.2025
Appendix Ii	FI received on 12.8.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Ground Floor Plan
Drawing A-2	Typical Floor Plan and Roof Plan
Drawing A-3	Drainage Layout Plan
Drawing A-4	Proposed Filling of Land Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4e	Site Photos