

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/258

- Applicant** : Hong Kong Chilled Meat and Poultry Association (HKCMPA) represented by C&K Land Management Company Limited
- Site** : Lots 471 S.B RP (Part), 472, 473, 474, 475, 476, 482 RP, 483, 484, 486, 487 RP, 497 S.A RP, 501, 502, 504 S.B, 505 and 506 S.B RP in D.D. 89 and adjoining Government Land (GL), Man Kam To Road, Sha Ling, New Territories
- Site Area** : About 20,249m² (including GL of about 1,882m², or about 9% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan No. S/NE-FTA/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Cold Storage for Poultry and Distribution Centre (CSDC) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary CSDC for a period of three years and associated filling of land at the application site (the Site) falling within an area zoned “AGR” on the OZP. According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is currently largely vacant, fenced-off, partly hard-paved and partly vegetated (**Plans A-4a to A-4d**).
- 1.2 According to the applicant, the application is submitted to provide a temporary centralised CSDC for chilled poultry to cater for the need of the territory. Chilled poultry imported from Mainland China will be unloaded at the Site for temporary storage before delivering to different places in Hong Kong for consumption. No trading and food manufacturing activities will be carried out at the Site.
- 1.3 The Site is accessible from its south via Lo Wu Station Road leading to Man Kam To Road (**Plan A-1**). According to the applicant, the proposed use comprises a total of 17 temporary structures, including three two-storey main structures with a building height (BH) of not more than 20.675m and a total floor area of about 13,592m² for cold storage, and 14 one to two-storey ancillary structures with BHs ranging from 3m to 9m and a total floor area of about 1,615m² for office, fire service installations (FSI) facilities, switch

room, water meter rooms, plant rooms and guard house. The proposed three cold storage structures at the Site are connected by an internal road with not less than 5m in width. A total of nine parking spaces (i.e. seven for private cars and two for motorcycles) and 30 loading/unloading (L/UL) bays (i.e. 22 for heavy goods vehicles (HGVs) and eight for container vehicles) are proposed within the Site. An ingress/egress with 10m in width is proposed at the southern boundary of the Site. The proposed use will operate 24 hours a day, 7 days per week on a year-round basis. A 2.5m high metal fence will be erected along the boundaries of the Site for security purpose. A reprovisioned footpath with about 5m in width along the northeastern boundary of the Site will be maintained by the applicant to serve the local residents of Sha Ling. The layout plan, section plans, tree planting plan and reprovisioned footpath submitted by the applicant are shown in **Drawings A-1 to A-6**.

- 1.4 The Site is generally flat with ground levels varying from +4.5mPD to +6.9mPD in the southwestern and northeastern portions respectively. The applicant also applies for filling of land of about 14,351m² (about 71% of the Site) with compact fill at a depth of not more than 1.5m for site formation purpose¹. The land filling plan submitted by the applicant is shown in **Drawing A-7**. The existing watercourse running in a northeast to southwest direction through the middle of the Site (**Plan A-2**) will be maintained and not encroached upon. According to the applicant, an elevated platform is proposed to deck over part of the existing watercourse, with an area of about 4,773m² (about 24% of the Site) for construction of internal road and building structure.
- 1.5 Technical assessments, including Traffic Impact Assessment (TIA), Environmental Assessment (EA), Drainage Impact Assessment (DIA), Sewerage Impact Assessment (SIA), Tree Preservation and Landscaping Proposal (TPLP) and Ecological Impact Assessment (EcoIA) are submitted by the applicant to support the application (**Appendix Ia**). The assessments confirm that no insurmountable adverse traffic, environmental, drainage, sewerage, landscape and ecological impacts arising from the proposed use are anticipated.

Traffic Aspect

- 1.6 The maximum number of vehicular traffic to/from the proposed use during the main operation hours (i.e. from 9:00 a.m. to 8:00 p.m. and 11:00 p.m. to 3:00 a.m.) are 22 and 6 vehicles/hour respectively. Only a minimal number of vehicles will be running in/out the Site during non-major operation hours. The additional traffic trips related to the proposed use are considered insignificant and can be absorbed by the surrounding road network.
- 1.7 According to the traffic management measures proposed by the applicant, mandatory appointment system with penalty/incentive mechanism, real-time monitoring as well as overflow and contingency plans will be implemented to ensure no vehicle will queue back on the local road; staff will be deployed to manage the traffic; and inbound/outbound vehicles will be separated by dedicated lanes. To ensure pedestrian safety, segregated pedestrian paths, additional road markings, warning signs, convex mirrors and revolving lights will be installed at the ingress/egress.

¹ According to the applicant, the proposed ground level after filling of land will range from +6mPD (southwestern portion) to +7.05mPD (northeastern portion).

- 1.8 Additional traffic management measures during Ching Ming Festival and Chung Yeung Festival periods, e.g. assigning traffic marshals at the ingress/egress to manage traffic and pedestrian flow; limiting goods vehicle trips entering/exiting the Site to 50% of the normal trips; prohibiting HGVs and container vehicles from entering/exiting the Site during peak hours (i.e. from 7:00 a.m. to 10:00 a.m. and 4:00 p.m. to 7:00 p.m.); installing protective barriers and motion-activated alarm system at critical pedestrian crossings near the ingress/egress; and scheduling cargo pickups/deliveries at least 48 hours prior to festive dates to minimise vehicle movements during peak hours, are proposed by the applicant to reduce traffic disruption on nearby road networks including Lo Wu Station Road and Man Kam To Road.

Environmental Aspect

- 1.9 According to the EA, by implementing the recommended mitigation measures and good site practices during both construction and operation phases, the proposed use would not generate any insurmountable environmental impact on the surrounding areas. In particular, suitable noise mitigation measures, such as provision of fixed/movable barrier walls (from 5m to 12m high) at various locations (**Drawing A-8**), extended canopies, side panels and acoustic mats at the L/UL bays; silencers to the condenser; and suitable orientation of the opening of acoustic enclosures, are proposed to mitigate potential environmental impacts.

Drainage Aspect

- 1.10 According to the DIA, the proposed drainage system comprises two peripheral U-channels and catchpits along the site boundaries as well as an underground stormwater storage tank with capacity of 2,500m³ to cater for additional runoff during heavy rainstorm (**Drawing A-9**). As there is a watercourse running through the Site, part of the internal road and building structure will be constructed on a decked platform with a vertical clearance of at least 0.5m to allow potential overflow during heavy rain and regular maintenance by the applicant. Two existing watercourses to the north of the Site (**Plan A-2**) will be connected to the proposed drainage system and then discharged to the existing watercourse/box culvert under Lo Wu Station Road. Suitable mitigation measures, such as a minimum setback of 3m to be reserved between the Site and the existing watercourse along the northern boundary, and good site practices are proposed to avoid adverse impact on the watercourses and drainage system during the construction and operation phases.

Sewerage Aspect

- 1.11 No selling, slaughtering or cleaning of chilled poultry/meat will be carried out within the Site. The major source of wastewater will be limited to the sewage from toilets and floor cleaning water at the L/UL area and loading platform. In terms of sewage treatment, the applicant proposes three on-site septic tanks with soakaway system to collect the sewage generated from the proposed use.

Landscape Aspect

- 1.12 Landscaping treatments such as peripheral planting areas and green fence wall/noise barriers are proposed to alleviate potential visual impact. Extensive at-grade planting with an area of about 4,785m² for visual enhancement and public enjoyment would be provided within the Site (**Drawing A-5**). According to the TPLP, a total of 191 trees are

recorded within the Site², of which 11 trees are proposed to be retained and 180 trees are proposed to be felled. To compensate for the loss of trees, a total of 166 heavy standard trees are proposed to be planted within the Site.

Ecological Aspect

- 1.13 According to the EcoIA, freshwater communities and flight path surveys were conducted by the applicant. As two individuals of *Somanniathelphusa zanklon* (*S. zanklon*) (鎌刀束腰蟹) (i.e. a freshwater crab species with conservation importance) were recorded at the watercourse in the Site, the applicant conducted a translocation exercise for *S. zanklon* in April 2025, which was approved by the Director of Agriculture, Fisheries and Conservation (DAFC) under the previous planning permission (No. A/NE-FTA/220). Should *S. zanklon* occur within the Site again during the construction phase, the individuals would be translocated as appropriate.
- 1.14 Majority part of the Site is the subject of two previous applications (No. A/NE-FTA/201 and 220) submitted by the same applicant for the same use, which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 28.5.2021 and 10.11.2023 respectively (details in paragraph 5 below). The planning permissions were subsequently revoked on 28.12.2023 and 10.5.2025 respectively due to non-compliance with approval conditions. All time-limited approval conditions of the last previous application No. A/NE-FTA/220 were not complied with, except for the submission of the design of vehicular run-in/run-out and FSI proposal.
- 1.15 Compared with the last previous application No. A/NE-FTA/220, the current application mainly involves an increase in site area (about +4,189m²), number of structures (+11 nos.) and total floor area (+3,592m²)³ as well as a decrease in site coverage (SC) (-17.44%). A comparison of the major development parameters of the current application and the previous application is summarised as follows:

| Major Development Parameter | Approved Scheme under Application No. A/NE-FTA/220 (a) | Proposed Scheme under Current Application (b) | Differences (b) - (a) |
|--|--|---|--------------------------------|
| Site Area (about) | 16,060m ² | 20,249m ² | +4,189m ² (+26%) |
| • GL included (about) | 1,869m ² | 1,882m ² | +13m ² (+0.7%) |
| No. of Structures | 6 | 17 | +11 (+183%) |
| Total Floor Area (about) | 11,615m ² | 15,207m ² | +3,592m ² (+31%) |
| • Cold storage | 9,625m ² | 13,592m ² | +3,967m ² (+41%) |
| • Ancillary office, FSI facilities, switch | 1,990m ² | 1,615m ² | -375m ² (-19%) |

² One *Aquilaria sinensis* (土沉香) was identified in the southwestern part of the Site (**Plan A-2**). As it is only in sapling size (i.e. diameter at breast height less than 95mm), it is not included in the tree survey. Considering that *Aquilaria sinensis* is a protected species under Cap. 586, it will be protected and retained in the proposed planting areas.

³ According to the applicant, the GFA of some ancillary structures were disregarded in the approved scheme under application No. A/NE-FTA/220 in view of their ancillary nature, while some ancillary structures are GFA countable under the proposed scheme.

| Major Development Parameter | Approved Scheme under Application No. A/NE-FTA/220 (a) | Proposed Scheme under Current Application (b) | Differences (b) - (a) |
|------------------------------------|--|---|----------------------------------|
| rooms, plant rooms and guard house | | | |
| Plot Ratio (PR) | 0.723 | 0.75 | +0.027 (+3.7%) |
| SC (about) | 56.94% | 39.5% | -17.44% (-30.6%) |
| BH | 3m to 20.675m (1 to 2 storeys) | 3m to 20.675m (1 to 2 storeys) | No change |
| Site Formation | | | |
| • Filling of land | 4,071m ² (25.3% of the Site) | 14,351m ² (70.8% of the Site) | +10,280m ² (+253%) |
| • Deck over area | 7,029 m ² (43.8% of the Site) | 4,773 m ² (23.6% of the Site) | -2,256m ² (-32%) |
| No. of Parking Spaces | 7 for private car 2 for motorcycle | 7 for private car 2 for motorcycle | No change |
| No. of L/UL Bays | 22 for HGVs 8 for container vehicles | 22 for HGVs 8 for container vehicles | No change |

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

- (a) Application Form received on 2.1.2025 **(Appendix I)**
- (b) Consolidated Supplementary Planning Statement (SPS) received 16.9.2025⁴ **(Appendix Ia)**

1.17 On 28.2.2025 and 6.6.2025, the Committee agreed to the applicant's request to defer making a decision on the application for two months each.

2. **Justifications from the Applicant**

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

- (a) HKCMPA members are chilled poultry importers who sell chilled poultry products including chicken, ducks, geese and squabs to meet the Territory's demand for such products. The proposed use, to be utilised by 21 major chilled poultry operators and distributors, will be handling 95% of the territory import of chilled poultry from Mainland China for the daily consumption in Hong Kong and meet the increasing demand for cold storage. It does not involve the selling of poultry in small/large quantities to individuals or retailers;

⁴ Supplementary Planning Statement (received on 2.1.2025), Supplementary Information (SI) (received on 8.1.2025) and a total of 12 previous Further Information (FI) submissions (received on 11.4.2025[^], 9.7.2025^{*}, 18.7.2025[^], 21.7.2025[^], 22.7.2025[^], 23.7.2025[^], 25.7.2025^{*}, 29.7.2025^{*}, 1.8.2025^{*}, 4.8.2025^{*}, 5.8.2025^{*} and 6.8.2025^{*} respectively) were received in respond to departmental comments with relevant technical assessments, of which five submissions (marked with [^]) were accepted but not exempted from publication and recounting requirements and seven submissions (marked with ^{*}) were accepted and exempted from publication and recounting requirements. The Consolidated SPS in **Appendix Ia** supersedes the original supplementary planning statement, SI and all FIs and hence not attached to this paper.

- (b) goods will be stored vertically on pallet racks and movement of goods within the CSDC buildings will be carried out by robotics. To allow the accommodation of intelligent logistic transport equipment, a high headroom is required. As such, the proposed BH (i.e. not more than 20.675m) of the CSDC structures is considered reasonable. The proposed smart logistic operation could enable a boost in efficiency and significantly reduce the reliance on human input; reduce energy and electricity consumption; and create a safer and more labour friendly environment by separating human work from undesirable frozen storage area;
- (c) the Site is the subject of two previous applications (No. A/NE-FTA/201 and 220) submitted by the same applicant for the same use, which were approved by the Committee in 2021 and 2023 respectively. However, the applicant was unable to commence the previously approved scheme due to land issues. In order to facilitate application for Short Term Waiver (STW) under the lands regime, the applicant has re-demarcated the site boundary and obtained consents from all relevant land owners (including Tso/Tong land) for the lots with proposed structures. Due to the change in site configuration and revisions to the development layout and parameters, including increased number of structures (from 6 to 17) and reduced SC (from about 57% to 40%) with a view to maintaining the BH (not more than 20.675m) and PR (about 0.75); and an increased land filling area (from about 25% to 71% of the Site) mainly due to a reduced area of the elevated platform (from about 44% to 24% of the Site), a fresh application is inevitably required;
- (d) the applicant has been actively liaising with relevant bureau/departments to secure a permanent location for the CSDC over the past 10 years. Given that the New Territories North development is still at a conceptual planning stage and a permanent centralised facility in the border area has yet been identified, a temporary location is needed to meet the imminent demand for a CSDC;
- (e) located away from the urban areas and in close proximity to Man Kam To Boundary Control Point (BCP) and Man Kam To Animal Inspection Station, the Site is a suitable location for the proposed use which is difficult to operate in conventional industrial buildings; and
- (f) the proposed use is compatible with the surrounding land uses. Technical assessments have been conducted and confirmed that, with the implementation of the proposed mitigation measures, the proposed use would not induce insurmountable traffic, environmental, drainage, sewerage, landscape and ecological impacts on the surrounding areas.

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 sending notices to the Ta Kwu Ling District Rural Committee and publishing newspaper notices. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion of the Site, TPB PG-No. 31B is not applicable.

4. Background

The Site is subject to a planning enforcement case (No. E/NE-FTA/218) against an unauthorized development involving filling of land (**Plan A-2**). Reinstatement Notices (RN) were issued on 16.7.2025 and 6.8.2025 to the registered land owners and the occupier respectively requiring reinstatement of the concerned land, including removing the leftovers, debris and fill materials as well as grassing the concerned land. If the RNs are not complied with, prosecution action would be considered by the Planning Authority.

5. Previous Applications

- 5.1 Majority part of the Site is the subject of two previous applications (No. A/NE-FTA/201 and 220) submitted by the same applicant for the same use, which were approved with conditions by the Committee on 28.5.2021 and 10.11.2023 respectively mainly on considerations that the then Food and Health Bureau/Environment and Ecology Bureau (EEB) rendered policy supports to the applications as there was a genuine operational need for a CSDC for poultry in Hong Kong; and there was no adverse departmental comments on the applications, or relevant concerns could be addressed by approval conditions. The planning permissions were subsequently revoked on 28.12.2023 and 10.5.2025 respectively due to non-compliance with approval conditions. All time-limited approval conditions of the last previous application No. A/NE-FTA/220 were not complied with, except for the submission of the design of vehicular run-in/run-out and FSI proposal.
- 5.2 Compared with the last previous application No. A/NE-FTA/220, the current application mainly involves an increase in site area (about +4,189m²), number of structures (+11 nos.) and total floor area (+3,592m²) as well as a decrease in site coverage (-17.44%) as detailed in paragraph 1.15 above.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown in **Plan A-1**.

6. Similar Applications

- 6.1 There are two similar applications (No. A/NE-FTA/238 and 247) involving two sites within/partly within the same “AGR” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area in the past five years.
- 6.2 Application No. A/NE-FTA/238 for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land was approved by the Committee in 2024 mainly on considerations that the proposed use was not entirely incompatible with the surrounding areas; and there was no adverse departmental comments on the application or relevant concerns could be addressed by approval conditions.
- 6.3 Application No. A/NE-FTA/247 for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities for a period of three years and associated filling of land was also approved with conditions by the Committee in 2024 mainly on the grounds that the Secretary for Development rendered policy support to the application for relocation of brownfield operation affected by government projects, and no major adverse departmental comments were received on the application and the

concerns of the relevant government departments could be addressed through implementation of approval conditions.

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

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

- 7.1 The Site is:

- (a) currently largely vacant, fenced-off, partly hard-paved and partly vegetated;
- (b) occupied by a temporary domestic structure in the eastern portion;
- (c) traversed by a watercourse running in a northeast to southwest direction; and
- (d) accessible via Lo Wu Station Road to the south leading to Man Kam To Road.

- 7.2 The surrounding areas are rural in character comprising village cluster of Sha Ling Village (not a recognized village), fallow agricultural land, vacant land and tree clusters. A pond is adjoining the northeastern boundary of the Site and a watercourse runs along the northwestern boundary of the Site. A site covered by a valid planning permission (application No. A/NE-FTA/247) for proposed temporary warehouse use is located to the south of the Site across Lo Wu Station Road and Sha Ling Playground. To the northwest and southeast are Sandy Ridge Cemetery and Dongjiang Water Mains respectively.

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP for “AGR” zone, as filling of land may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Bureau/Departments

- 9.1 Apart from the government bureau 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 are provided at **Appendices IV** and **V** respectively.
- 9.2 The following government bureau supports the application:

Policy Aspect

- 9.2.1 Comments of the Secretary for Environment and Ecology (SEE):

- (a) EEB (Food Branch) gives in-principle policy support to the application, taking into account the important role of the applicant and its proposal in maintaining stable food supply in Hong Kong;
- (b) ensuring food safety and diversity of food supply is one of the important policy objectives of the Food Branch of EEB. Imported chilled meat and poultry have to be temporarily stored in licenced cold stores if the products are not directly distributed to retail outlets or licensed food premises upon entering Hong Kong. For years, importers and distributors of chilled poultry have expressed difficulties in competing with traders of other commodities in gaining access to the licensed cold storage facilities available in the market due to incompatibility of their operation with other commodities (as they operate overnight and may create nuisances of noise and waste water which are usually not welcomed by licensed cold storage facilities operators), and repeated unsuccessful attempts to rent and refurbish premises in industrial buildings to operate their own licensed cold stores due to incompatible land use and structural safety concerns. Some importers of chilled meat and poultry may have to be forced to use walk-in freezers on farmland or container yards for temporary storage of chilled meat and poultry, which puts food safety of those products at risk. Statistically, in terms of import volume, the overall import of chilled poultry in the past three years remained steady with over 95% of chilled poultry in Hong Kong originating from the Mainland. It is anticipated that the import volume should continue to be on a steady increase.
- (c) compared with the previous application (No. A/NE-FTA/220), he notes that the site area under the current application has increased from 16,060m² (including 1,869m² of GL) to 20,249m² (including 1,882m² of GL), resulting in a number of changes in the development parameters including the proposed number of structures, total floor area and site formation. The proposed addition in site area is not purely demand driven (as the estimated volume of daily imported chilled poultry handled by HKCMPA over the past four years remained steady) and is proposed by the applicant having taken into account its operational needs and the site constraints. According to the applicant, the addition in site area is due to the re-demarcation of site boundary to avoid touching on private land with unresolved land issues; to avoid encroachment of the existing watercourse running through the Site; to allow most HKCMPA members to operate together within the Site; and to allow sufficient space for the goods vehicles to manoeuvre;
- (d) the applicant proposes the use of advanced technology in its cold storage facility, such as automated transport and warehouse systems via Artificial Intelligence modelling technology and end-to-end robotic automation; and
- (e) EEB (Food Branch) is in support of the use of innovative technology and automation in cold storage operation, as this aligns with the Government's smart city policy. The use of innovative technology can achieve a high storage capacity within a limited area, optimising land use efficiency and possibly mitigating the nuisances arising from the current mode of cold storage. The new design, according to the information provided by the applicant, is expected to achieve energy conservation, enhance efficiency in storage and distribution of chilled poultry and reduce the manpower

required to operate on-site thereby reducing disturbance to the surrounding environment.

10. Public Comments Received During Statutory Publication Periods

10.1 On 10.1.2025, 29.4.2025 and 1.8.2025, the application was published for public inspection. During the statutory public inspection periods, a total of 98 public comments were received (**Appendix VI**).

10.2 96 comments from the Conservancy Association, Kadoorie Farm & Botanic Garden Corporation, 袁煥宇祖全體後人 and 打鼓嶺沙嶺村居民福利會 (three submissions involving 58, 68 and 65 signatures respectively) and 90 villagers⁵/individuals object to the application mainly on the grounds as summarised below:

- (a) the proposed use is not in line with the planning intention of “AGR” zone. It is questionable if the Site can be reinstated to original status upon expiry of planning permission which is suitable for farm rehabilitation in future;
- (b) the proposed use is massive and incompatible with surrounding areas. The village settlement will be seriously disturbed;
- (c) the proposed use to be operated 24 hours a day will cause adverse traffic, environmental, ecological, drainage, sewerage, landscape, visual and environmental hygiene impacts on the surrounding areas during both construction and operation phases. The submitted technical assessments are incomprehensive and inadequate;
- (d) the Site is located in a low-lying area. The proposed filling of land will lead to and intensify the flooding problem, resulting in irreversible damages;
- (e) the Site is accessible via Lo Wu Station Road and Man Kam To Road, which are the only access roads leading to Lo Wu Station, Sheung Shui, villages in Lo Wu area and nearby cemeteries. The proposed use will induce adverse traffic impact and emergency rescue service will be delayed in the event of an emergency at Lo Wu Station. Approval of the application will worsen the traffic condition in the area, especially during Ching Ming and Chung Yeung festivals;
- (f) heavy vehicle traffic will pose safety risk to villagers and adverse impact on the nearby Dongjian water mains;
- (g) the approval of this application will set an undesirable precedent for similar applications;
- (h) there had been unauthorized land filling/construction works at the Site/the watercourse and the Site is currently subject to a planning enforcement case. It is a “destroy first, apply later” case;

⁵ On 7.5.2025 and 17.6.2025, upon request of the villagers of Sha Ling Village, representatives of concerned government departments including the Planning Department (PlanD), attended two meetings with the villagers to exchange views and follow up on their concerns over the recent planning applications in Sha Ling area. Particularly, the villagers strongly objected to the subject application and expressed grave concerns on similar grounds as mentioned in paragraph 10.2.

- (i) the applicant has not fulfilled the approval conditions imposed under the previous applications and the planning permissions were subsequently revoked;
- (j) the need for the proposed CSDC is not justified as the demand for chilled poultry products is uncertain. Additionally, it is doubtful whether the proposed use is a genuine temporary use as the CSDC is substantial in scale;
- (k) the applicant has not properly maintained the reprovisioned footpath and the uneven pavement has posed safety risk to villagers; and
- (l) the existing watercourse running within the Site is on GL and has been shared by all villagers. No authorisation has been given to the applicant by relevant land owner(s)/manager(s) (including Tso/Tong land) for using the Site for the proposed use.

10.3 The remaining two comments from a member of North District Council indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary CSDC for a period of three years and associated filling of land at the Site zoned “AGR” on the OZP (**Plan A-1**). The proposed use consists of three two-storey main structures with a BH of not more than 20.675m and a total floor area of about 13,592m² for cold storage, and 14 one to two-storey ancillary structures with BHs ranging from 3m to 9m and a total floor area of about 1,615m² for office, FSI facilities, switch room, water meter rooms, plant rooms and guard house (**Drawing A-1**). According to the applicant, the Site, located in close proximity to the BCP and Man Kam To Animal Inspection Station, is an ideal location for the proposed centralised CSDC for chilled poultry to cater for the need of the territory, and relevant land matters have been resolved under the current application. While the proposed use is not in line with the planning intention of the “AGR” zone, DAFC advises that, though the Site possesses potential for agricultural rehabilitation, whether there will be agricultural activities on a specific site will hinge on a lot of factors. Furthermore, SEE gives in-principle policy support to the application, taking into account the important role of the applicant and its proposal in maintaining stable food supply in Hong Kong. Having considered the planning assessments below and with the policy support given by EEB, sympathetic consideration could be given to the proposed use on a temporary basis for a period of three years.
- 11.2 The application involves filling of about 14,351m² (about 71% of the Site) with compact fill at a depth of not more than 1.5m for site formation purpose (**Drawing A-7**). Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. Moreover, a section of an existing watercourse within the Site, covering an area of about 4,773m² (about 24% of the Site), will be decked over to facilitate construction of internal road and building structures. A vertical clearance of at least 0.5m will be provided between the proposed ground level and the structures to allow potential overflow during heavy rain and the maintenance of existing watercourse by the applicant at all times during planning approval period. The DIA submitted by the applicant demonstrates that with the proposed stormwater drainage facilities, mitigation measures and good site practices as mentioned in paragraph 1.10 above, no adverse drainage impact is anticipated from the proposed use and associated filling of

land. On the environmental aspect, while there were two substantiated environmental complaints received in the past three years concerning potential adverse drainage impact due to site formation works in the adjacent areas of the Site, no violation of the Environmental Ordinances was observed and no enforcement action was taken by the Director of Environmental Protection (DEP). Moreover, no further substantiated complaint in relation to the Site has been received by DEP from December 2024 onwards. In this regard, the Chief Engineer/Mainland North of DSD (CE/MN, DSD) and DEP have no in-principle objection to the application from public drainage and environmental perspectives respectively. Should the application be approved, approval conditions requiring the submission of revised DIA, EA and SIA, and implementation of the proposed flood mitigation measures and any other stormwater drainage facilities as well as environmental and sewerage mitigation measures are recommended in paragraph 12.2 below. 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.

- 11.3 The Site, situated in an area of rural character intermixed with village cluster of Sha Ling Village (not a recognized village), fallow agricultural land, vacant land and tree clusters, is currently largely vacant, fenced-off, partly hard-paved and partly vegetated (**Plans A-2 to A-4d**). To the south is the site of an approved similar application (No. A/NE-FTA/247) involving temporary warehouse use. The proposed use is considered not entirely incompatible with the surrounding land uses. Various landscape treatments including peripheral plantings, green fence wall/noise barriers and tree compensation are proposed (**Drawings A-5 and A-9**) to alleviate the potential landscape impacts arising from the proposed use. Noting that significant adverse impacts on the landscape character and existing landscape resources within the Site are not anticipated, the Chief Town Planner/Urban Design and Landscape of PlanD has no adverse comment on the application from landscape planning perspective.
- 11.4 Other concerned government departments consulted, including the Commissioner for Transport and Director of Fire Services, have no objection to or no adverse comment on the application. A reprovisioned footpath with about 5m in width along the northeastern boundary of the Site (**Drawing A-6**) will be maintained by the applicant to serve the local residents at all times during planning approval period. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. In view that the Site is traversed by an existing watercourse, an approval condition requiring the maintenance of the watercourse is also recommended. The applicant will also be advised to follow the requirements of the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’, and adopt good site practice to avoid causing adverse impact on the watercourses nearby and within the Site. 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.
- 11.5 The Site is the subject of two previously approved applications (No. A/NE-FTA/201 and 220) (**Plan A-1**) submitted by the same applicant for the same use, which were revoked in December 2023 and May 2025 respectively due to non-compliance with approval conditions, as detailed in paragraph 5.1 above. The applicant explains that part of the site of application No. A/NE-FTA/220 is subject to land ownership issue and thus, the applicant is unable to commence the previously approved scheme. In the current application, the applicant indicates that consents from relevant land owners have been obtained and, with a refined layout, application for STW will be submitted upon approval

of the application. In view of the above, as there is no major change in planning circumstances since the approval of the previous application, sympathetic consideration may be given to the application. Nevertheless, since the last two approvals were revoked due to non-compliance with the approval conditions, should the Committee decide to approve the application, the applicant will be advised that failure to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further applications.

- 11.6 There are two similar applications for proposed temporary warehouse with filling of land in the vicinity of the Site, which were approved with conditions by the Committee in 2024 (**Plan A-1**) mainly on the considerations that policy support was given by relevant bureau and/or concerns of government departments could be addressed through imposition of approval conditions. The planning circumstances of the current application are similar to those of the approved applications. As such, approval of the current application is considered in line with the Committee's previous decisions.
- 11.7 Regarding the public comments mentioned in paragraph 10 above, the government bureau's/departments' comments and the planning assessments above are relevant. For the public comments expressing that the applicant had not been authorised by the land owner(s) to submit the application, the applicant has complied with the requirements as set out in TPB PG-No. 31B by demonstrating that reasonable steps have been taken to give the necessary notification as mentioned in paragraph 3 above. For the public comments in relation to dispute on private land ownership, it should be noted that land administration issue is not a material planning consideration, and such matter should be resolved amongst relevant parties. Nonetheless, should the application be approved, the applicant will be advised to resolve any land issues relating to the development with the concerned owner(s) of the Site, and liaise with the locals to explain the details of the proposed use.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments mentioned in paragraph 10 above, PlanD 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 19.9.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no heavy goods vehicle or container vehicle exceeding 24 tonnes is allowed to access the Site between 7:00 p.m. and 7:00 a.m. during the planning approval period;
- (b) no queuing of vehicle onto public road is allowed at all times during the planning approval period;
- (c) no public announcement system and loud speaker are allowed to be used on the Site at all times during the planning approval period;

- (d) the maintenance of the reprovisioned footpath on the Site, as proposed by the applicant, at all times during the planning approval period;
- (e) the maintenance of the existing natural watercourse within the Site at all times during the planning approval period;
- (f) the provision of boundary fencing on the Site, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 19.6.2026;
- (g) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.3.2026;
- (h) in relation to (g) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 19.6.2026;
- (i) the submission of detailed traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.3.2026;
- (j) in relation to (i) above, the implementation of traffic management measures within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.6.2026;
- (k) in relation to (j) above, the implemented traffic management measures should be maintained at all times during the planning approval period;
- (l) the submission of a revised environmental assessment within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 19.3.2026;
- (m) in relation to (l) above, the implementation of environmental mitigation measures as identified in the accepted environmental assessment 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 19.6.2026;
- (n) the submission of a revised sewerage impact assessment within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 19.3.2026;
- (o) in relation to (n) above, the implementation of sewerage mitigation measures as identified in the accepted sewerage impact assessment 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 19.6.2026;
- (p) the submission of a revised drainage impact assessment 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 19.3.2026;
- (q) in relation to (p) above, the implementation of the flood mitigation measures and any other stormwater drainage facilities proposed 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 19.6.2026;

- (r) in relation to (q) above, the implemented flood mitigation measures and any other stormwater drainage facilities should be maintained at all times during the planning approval period;
- (s) 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 19.3.2026;
- (t) in relation to (s) 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 19.6.2026;
- (u) if any of the above planning condition (a), (b), (c), (d), (e), (k) or (r) 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;
- (v) if any of the above planning condition (f), (g), (h), (i), (j), (l), (m), (n), (o), (p), (q), (s) or (t) 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
- (w) 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 V**.

- 12.3 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 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 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

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| Appendix I | Application Form received on 2.1.2025 |
| Appendix Ia | Consolidated SPS received on 16.9.2025 |
| Appendix II | Previous Applications |
| Appendix III | Similar s.16 Applications within the “AGR” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling Area |
| Appendix IV | Government Departments’ General Comments |
| Appendix V | Recommended Advisory Clauses |
| Appendix VI | Public Comments |
| Drawing A-1 | Layout Plan |
| Drawings A-2 to A-4 | Section Plans |
| Drawing A-5 | Tree Planting Plan |
| Drawing A-6 | Reprovisioned Footpath |
| Drawing A-7 | Filling of Land Plan |
| Drawing A-8 | Section of Noise Barrier |
| Drawing A-9 | Drainage Layout Plan |
| Plan A-1 | Location Plan |
| Plan A-2 | Site Plan |
| Plan A-3 | Aerial Photo |
| Plans A-4a to A-4d | Site Photos |

**PLANNING DEPARTMENT
SEPTEMBER 2025**