

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/566

<u>Applicant</u>	:	Anson Technology Limited represented by R-riches Planning Limited
<u>Site</u>	:	Lot 424 RP (Part) in D.D. 94, Kwu Tung South, Sheung Shui, New Territories
<u>Site Area</u>	:	853m ² (about)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/22
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Proposed Temporary Warehouse (excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site), which falls 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 not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). Filling of land in the “AGR” zone also requires planning permission from the Board. The Site is currently hard-paved, partially fenced-off and occupied by temporary structures and storage items without valid planning permission (**Plans A-4a to 4b**).
- 1.2 The Site is accessible from Hang Tau Road via a local track (**Plans A-2 and A-3**), with an ingress/egress of about 7.3m-wide at the eastern side of the Site. According to the applicant, the proposed use for storage of miscellaneous goods (i.e. packaged food, apparel, footwear and electronic goods etc.) involves two single-storey structures with height of not more than 13m and a total floor area of about 457m² for warehouse, ancillary site office and washroom (**Drawing A-1**). All items will

be stored within the enclosed structures and no open storage, storage of dangerous goods, recycling, cleansing, dismantling and other workshop activities will be carried out at the Site at all times. The applicant also applies for regularisation of filling of land for the entire site with concrete of not more than 0.1m in depth (to a level of about 10.3mPD) for site formation, circulation space, parking and loading/unloading space, and no additional land filling will be carried out at the Site (**Drawing A-2**). A solid metal boundary fencing of 2.5m high along the site boundary will be erected to separate the Site and the nearby watercourse and to mitigate any potential nuisance from the proposed use. One parking space for private car and one loading/unloading space for light goods vehicle will be provided within the Site. Only private cars and light goods vehicles less than 5.5 tonnes are allowed to enter/exit the Site. Septic tank and soakaway system will be provided to collect sewage generated from the proposed use. Sufficient space will be provided for vehicles to manoeuvre smoothly within the Site to ensure that no vehicle will be allowed to queue back or reverse onto/from the Site to the public road and staff will be deployed to direct incoming/outgoing vehicles, and signages will be installed at the ingress/egress of the Site to enhance pedestrian safety. The operation hours will be between 9:00 a.m. to 7:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The site layout plan and land filling plan submitted by the applicant are at **Drawings A-1** and **A-2** respectively.

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

- (a) Application Form with attachments and Supplementary (**Appendix I**) Information received on 9.9.2025 and 10.9.2025 respectively
- (b) Further Information (FI) received on 3.11.2025* (**Appendix Ia**)
- (c) FI received on 4.11.2025* (**Appendix Ib**)

** 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 and FI at **Appendices I** to **Ib**, and can be summarised below:

- (a) The proposed use could better utilise precious land resources, support the local warehousing and storage industry and create new employment opportunities in Sheung Shui in response to the pressing demand for indoor storage space in New Territories.
- (b) There is no active agricultural use at the Site. The proposed use is not incompatible with the surrounding areas of temporary structures and there is a similar application approved in the vicinity of the Site. Approval of the application would not set an undesirable precedent within the same “AGR” zone.
- (c) The filling of land is necessary to meet the operational needs and no additional land filling will be carried out under this application. The applicant undertakes to reinstate the Site to an amenity area upon expiry of the planning approval.

- (d) The proposed use will not result in adverse traffic impact on the surrounding road network as the vehicular trips generated/attracted by the proposed use are expected to be minimal. The traffic management measures of deploying staff to direct incoming/outgoing vehicles and installing ‘Stop and Give Way’ and ‘Beware of Pedestrians’ signages at the ingress/egress will be implemented.
- (e) The proposed use would not induce adverse environmental impact on the surrounding areas. A solid metal boundary fencing of 2.5m high along the Site boundary will be erected to separate the Site and the nearby watercourse and to mitigate any potential nuisance from the proposed use. The applicant will strictly follow the revised ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘CoP’) issued by the Environmental Protection Department (EPD), the relevant environmental protection/pollution control ordinances and the Professional Persons Environmental Consultative Committee Practice Notes to minimise adverse environmental impacts. Drainage and fire service installations proposals would be submitted upon approval of the application.
- (f) The applicant will liaise with responsible parties including but not limited to the Sheung Shui District Rural Committee to address the concern on potential nuisance to the surrounding areas upon approval of the application.
- (g) The applicant will apply for a Short Term Waiver for the proposed use and demolish the unauthorised structures outside the Site but located within the same lot and the adjoining Government land (GL) upon approval of the application.

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

4.1 The Site was mostly covered by temporary structures before the first statutory plan covering the Kwu Tung South area (i.e. Kwu Tung South Interim Development Permission Area Plan No. IDPA/NE-KTS/1 (the IDPA)) gazetted in 1990. The Site was hard-paved with a few trees after the incorporation of land filling control to the Notes for the “AGR” zone on the draft Kwu Tung South OZP No. S/NE-KTS/10 gazetted on 1.4.2005.

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

5. Previous Application

There is no previous application involving the Site.

6. **Similar Application**

There is one similar application (No. A/NE-KTS/548) involving temporary warehouse and associated filling of land to the immediate south of the Site within the same “AGR” zone in the past five years, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 14.2.2025 mainly on the considerations that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone; the proposed use was not incompatible with the surrounding areas; and relevant government departments consulted in general had no adverse comment and/or their concerns could be addressed by approval conditions. Details of the similar application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

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

7.1 The Site is:

- (a) accessible from Hang Tau Road via a local track; and
- (b) currently hard-paved, partially fenced-off and occupied by temporary structures and storage items without valid planning permission.

7.2 The surrounding areas are rural in nature and predominated by open storage yards, warehouses (including the one under approved similar application No. A/NE-KTS/548 and some which have existed before the IDPA was gazetted), scattered residential dwellings and vacant land. To the northwest of the Site is a ganoderma centre and to the west is Sheung Yue River. Village settlements of Hang Tau within the “Village Type Development” zone are located to the further southeast. There is currently no known programme for any development at the “Residential (Group D)” (“R(D)”) zone of Hang Tau Tai Po to the immediate east of the Site.

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 the “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 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, if any, are provided in **Appendices III** and **IV**

respectively.

- 9.2 The following government departments do not support/have adverse comment on the application:

Agriculture and Nature Conservation

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

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) the Site falls within the “AGR” zone and is generally vacant with some structures. Agricultural infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.; and
- (c) no comment from nature conservation perspective.

Land Administration

- 9.2.2 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) has adverse comment on the application;
- (b) the Site comprises Old Schedule Agricultural Lot 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 irregularities have been detected:

Unauthorised structure within the private lot covered by the application

there are unauthorised structures on the private lot. 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;

Unauthorised structures extended from the private lot not covered by the application

there are unauthorised structures extended from the private lot to adjoining Lots No. 423 and 424 S.A in D.D. 94 not covered by the 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;

Unlawful occupation of GL with unauthorised structure not covered by the application

The GL adjoining the private lot has been fenced off/illegally occupied with unauthorised structure without 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 Cap. 28. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice; and

(d) advisory comments are at **Appendix IV**.

10. Public Comments Received During Statutory Publication Period

On 16.9.2025, the application was published for public inspection. During the statutory public inspection period, four public comments were received, including two from a member of the North District Council and an Indigenous Inhabitant Representative indicating no comment on the application; one from the Sheung Shui District Rural Committee objecting to the application on the ground that the proposed dangerous goods godown is in close proximity to the village cluster which is densely populated; and one from an individual raising concerns on suspected unauthorised use of the Site (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the Site zoned “AGR” (**Plan A-1**). Whilst the proposed use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective, taking into account the planning assessments below, there is no objection to the proposed use with associated filling of land on a temporary basis of three years.
- 11.2 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 and Director of Environmental Protection have no objection to the application with associated filling of land 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.
- 11.3 The Site was mostly covered by temporary structures before the gazetting of the first statutory plan covering the Kwu Tung South. The proposed use is considered not incompatible with the immediate surrounding land uses, which are predominated by open storage yards, warehouses (including some which existed before the first statutory plan was gazetted and the one under approved similar application No. A/NE-KTS/548), vacant land, scattered residential dwellings and a

ganoderma centre (**Plans A-2 and A-3**). Village settlements of Hang Tau are located to the further southeast of the Site and there is currently no known programme for any development at the “R(D)” zone to the immediate east of the Site. The applicant also proposes to preserve and maintain all three existing trees within the Site and erect a solid metal boundary fencing of 2.5m high along the site boundary to separate the Site and the nearby watercourse and to mitigate any potential nuisance from the proposed use. The Chief Town Planner/Urban Design & Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective and considers that the proposed use is not incompatible with the landscape setting in the proximity.

- 11.4 Regarding DLO/N, LandsD’s concerns on the unauthorised structure(s) erected within/outside the Site and the illegal occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application. Other relevant government departments consulted, including the Commissioner for Transport and Director of Fire Services have no objection to/no adverse comment on the application. To address the technical requirements of concerned departments, appropriate approval conditions are recommended in paragraph 12.2 below. It is also recommended to advise the applicant to follow the CoP issued by EPD to minimise possible environmental nuisance generated by the proposed use on the surrounding areas. The operation of the proposed use will also be subject to the relevant pollution control ordinances.
- 11.5 There is one approved similar application involving temporary warehouse use with filling of land within the same “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6 above. Approving the current application is in line with the Committee’s previous decision.
- 11.6 Regarding the public comments as mentioned in paragraph 10 above, the planning assessment and departmental comments above are relevant. In particular, for the concern on locating a dangerous goods godown at the Site, the applicant has committed that no dangerous goods will be stored at the Site at all times and will liaise with relevant parties to address the concern on potential nuisance to the surrounding areas upon approval of the application. Moreover, any unauthorised development on the Site would be subject to planning enforcement action.

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, 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 7.11.2028. The following approval conditions and advisory clauses are also 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 7.5.2026;
- (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 7.8.2026;
- (c) in relation to (b) above, the implemented drainage facilities on 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 7.5.2026;
- (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 7.8.2026;
- (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 expiry of the planning permission, the reinstatement of the site, including the removal of hard paving and fill materials 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 attached 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 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.

13. **Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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 and Supplementary Information received on 9.9.2025 and 10.9.2025 respectively
Appendix Ia	FI received on 3.11.2025
Appendix Ib	FI received on 4.11.2025
Appendix II	Similar Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Land Filling Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to 4b	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**