

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/218

<u>Applicant</u>	:	Mr. LAM Lung represented by Honest Land Surveys Company
<u>Site</u>	:	Lot 30 S.B RP in D.D. 38, Sha Tau Kok, New Territories
<u>Site Area</u>	:	About 501.6m ²
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<u>Zoning</u>	:	“Agriculture” (“AGR”)
<u>Application</u>	:	Temporary Warehouse (excluding Dangerous Goods Godown) and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is hard-paved and currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible via Sha Tau Kok Road – Wo Hang (**Plan A-2**). According to the applicant, the applied use comprises a single-storey warehouse (not more than 9m in height) with a total floor area of about 192.7m² for storage of metals and construction materials. A private car parking space and a loading/ unloading (L/UL) space for light goods vehicle will be provided at the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of about 0.2m in depth for site formation purpose. The operation hours of the applied use are between 9:00a.m. to 7:00p.m. from Mondays to Sundays, and there will be no operation on public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 According to the applicant, apart from the existing traffic signs, warning lights will also be installed at the run-in/out of the Site to enhance pedestrian safety. Prior reservation and notification will be required for vehicles entering the Site, and no parking or queuing of vehicles outside the Site is anticipated.

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

- (a) Application Form with attachments received on 31.7.2025 (Appendix I)
- (b) Further Information (FI) received on 4.9.2025, 5.9.2025 and 8.9.2025[#] (Appendix Ia)
- (c) FI received on 10.9.2025[#] (Appendix Ib)
- (d) FI received on 23.9.2025[#] (Appendix Ic)
- (e) FI received on 30.9.2025[#] (Appendix Id)

[#]accepted and exempted from publication and recounting requirements

1.5 On 19.9.2025, the Rural and New Town Planning Committee (the Committee) of the Board agreed to the applicant's request to defer making a decision on the application for two months.

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the Application Form and FIs at **Appendices I to Id** and summarised below:

- (a) there is a strong demand but a limited supply for land for open storage and warehouse uses in Sha Tau Kok area. The Site locating in proximity to Sha Tau Kok Road and Heung Yuen Wai Highway is suitable for warehouse use;
- (b) the Site falls within the Category 2 areas under the Town Planning Board Guidelines No. 13G for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No 13G), where planning permission could be granted subject to no adverse departmental comments;
- (c) no container truck or tracker will be allowed to enter/store at the Site. Sufficient manoeuvring space at the run-in/out will be provided to avoid impact on traffic flow;
- (d) the applied use is compatible with the surrounding areas comprising temporary warehouse use. There will be no operation on holidays or at night times. No other commercial activities or exhibition use will be allowed at the Site. Impacts on noise and environment are minimal;
- (e) drainage facilities, fire service installations (FSIs) and run-in/out that satisfy relevant government departments' requirements are already provided at the Site; and
- (f) there were approved similar applications in the vicinity of the Site. The applied use is small in scale and there is no nearby residential structure, approval of the application on a temporary basis will not jeopardize the long-term planning. The applicant decided not to pursue the animal boarding establishment use at the Site with planning approval.

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

The applicant is the sole "current land owner" of the Site. Detailed information would be deposited at the meeting for Members' inspection.

4. **Background**

The Site was the subject of a planning enforcement case against an unauthorized development (UD) involving storage use. An Enforcement Notice (EN) was issued on 23.1.2018. Subsequent site inspection revealed that the UD has been discontinued. Compliance Notice (CN) for EN was issued on 8.10.2018. Reinstatement Notice (RN) was issued on 18.10.2018. Upon RN requirements being complied with, CN for RN was subsequently issued on 5.12.2019.

5. **Previous Application**

5.1 The Site is the subject of a previous application No. A/NE-MUP/187 for proposed temporary animal boarding establishment (dog kennel) submitted by the same applicant as the current application which was approved with conditions by the Committee on 22.9.2023. The planning permission is valid until 22.9.2026. The planning considerations of the previous application are not applicable to the current application which involves a different use.

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

6. **Similar Applications**

6.1 There are two similar applications No. A/NE-MUP/194 and 208 for proposed temporary warehouse within the “AGR” zone in the vicinity of the Site in the past five years. The applications were approved with conditions by the Committee on 16.2.2024 and 20.12.2024 respectively mainly on the considerations that there was no major adverse departmental comment or the departmental concerns could be addressed by relevant approval conditions.

6.2 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-4b)

7.1 The Site is:

(a) hard-paved and currently used for the applied use without valid planning permission; and

(b) accessible via Sha Tau Kok Road – Wo Hang.

7.2 The surrounding areas are rural in character comprising mainly storage yards, warehouses, logistics centres, workshops, domestic structures, active/fallow agricultural land and vacant land. The nearest domestic structures are located at about 70m to the southeast 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, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

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 IV** and **V** 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, LandsD):

- (a) he objects to 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 Government land (GL) but no right of access via GL is granted to the Site;
- (c) it is noted that there are public objections against the unauthorised structures erected on site which are already subject to lease enforcement action as further elaborated below;
- (d) the following irregularity covered by the subject planning application has been detected by his office:

unauthorised structures within the said private lot covered by the planning application

he has reservation on the planning application since there are unauthorised structures on the private lot which are already subject to lease enforcement actions according to case priority. The lot owner should rectify the lease breaches as demanded by LandsD;

- (e) the following irregularity not covered by the subject planning application has been detected by his office:

unauthorised structure extended from the said private lot not covered by the planning application

- (f) part of an unauthorised structure extended from the said private lot to the adjoining Lot 29 S.B ss. 2 in D.D. 38 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;
- (g) the lot owner shall either (i) remove the unauthorised structure not covered by the planning application immediately or (ii) include the unauthorised structure not covered by the planning application in the subject planning application for further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a Short Term Waiver (STW) to permit the structures erected/to be erected. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that it will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee from the first date when the unauthorised structures were erected and administrative fee as considered appropriate by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breaches already in existence or to be detected at any point of time in future. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (h) unless and until the unauthorised structures are duly rectified by the lot owner or entirely included in the subject planning application, his office objects to the application which must be brought to the attention of the Board when they consider the application; and
- (i) his advisory comments are at **Appendix V**.

Agriculture

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

the Site falls within the “AGR” zone and is partly paved with structure. There are some agricultural activities in the vicinity, and agricultural infrastructures such as road access and water source are also available. As the Site can be used for agricultural activities such as greenhouses and plant nurseries, the applied use is not supported from agricultural perspective.

10. Public Comments Received During Statutory Publication Period

On 8.8.2025, the application was published for public inspection. During the statutory public inspection period, five comments were received (**Appendix VI**). Two comments from the

residents of Loi Tung east and an individual object to the application mainly on the grounds that the Site is subject to alleged unauthorised structures, alteration to run-in/out and unauthorised filling of land, which have already led to adverse drainage impact; and the Site is subject to a previous planning approval for animal boarding establishment use. A comment from Sha Tau Kok District Rural Committee advises that the Village Representatives of Man Uk Pin and Loi Tung object to the application mainly on the ground of adverse traffic impact. The remaining two comments from a member of the North District Council and the Chairman of Lung Shan Area Committee indicate no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary warehouse (excluding dangerous goods godown) and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The applied use is not in line with the planning intention of the “AGR” zone. DAFC does not support the application from agricultural perspective as the Site can be used for agricultural activities. Taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves regularisation of filling of land for the entire Site with concrete of about 0.2m in depth for site formation purpose. Filling of land within “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. 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 surrounding area of the Site is rural in character comprising mainly storage yards, logistics centres, warehouses, workshops, domestic structures, active/fallow agricultural land and vacant land. The Chief Town Planning/Urban Design and Landscape of Planning Department has no adverse comment on the application from the landscape planning perspective, and considers that the applied use is not entirely incompatible with the surrounding area and significant adverse impact on existing landscape resources within the Site arising from the applied use is not anticipated.
- 11.4 Other government departments consulted, including the Commission for Transport, Director of Fire Services and Chief Highway Engineer/New Territories East of Highways Department have no objection to or no adverse comment on the application. To address the technical requirements of the concerned government departments, relevant approval conditions are recommended in paragraph 12.2 below. Should the application be approved, the applicant will be advised to follow the requirements of the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impact on the surrounding area. Regarding DLO/N, LandsD’s concerns on the unauthorised structures within/ outside the Site, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.5 There are two similar applications for temporary warehouse within the “AGR” zone in the vicinity of the Site approved by the Committee in 2024 on the considerations as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to

these applications. Approval of the current application is in line with the Committee's previous decisions.

- 11.6 Regarding the public comments as detailed in paragraph 10, the government departments' comments and planning assessments above are relevant.

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 7.11.2028. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.5.2026;
- (b) in relation to (a) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 7.8.2026;
- (c) in relation to (b) above, the implemented drainage facilities 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) the implementation of the traffic management measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 7.8.2026;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) or (g) 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;
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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

- (j) upon 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 applied use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with Attachment received on 31.7.2025
Appendix Ia	FI received on 4.9.2025, 5.9.2025 and 8.9.2025
Appendix Ib	FI received on 10.9.2025
Appendix Ic	FI received on 23.9.2025
Appendix Id	FI received on 30.9.2025
Appendix II	Previous Application
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos