

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/227

<u>Applicant</u>	:	Shun Yu Development Consultant Limited represented by R-riches Planning Limited
<u>Site</u>	:	Lot 29 S.B RP (Part) in D.D. 38 and Lot 830 RP in D.D. 46, Sha Tau Kok
<u>Site Area</u>	:	About 952m 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>	:	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) 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 formed and largely vacant.
- 1.2 The Site is accessible via a local access road leading to Sha Tau Kok Road – Wo Hang (**Plans A-1 and A-2**). According to the applicant, the proposed use is intended for storage of miscellaneous goods (i.e. packaged food, apparel, footwear, electronic goods, furniture etc.). It comprises a single-storey structure (about 9m in height) with a total floor area of about 228m² for warehouse, site office and washroom. Three private car parking spaces (2.5m(W) x 5m(L) each) and two loading/ unloading (L/UL) spaces for light goods vehicles (3.5m(W) x 7m(L) each) will be provided at the Site. The applicant also applies for filling of land for the entire Site with concrete of not more than 0.2m in depth for erection of structures, provision of parking and L/UL spaces and circulation area. The operation hours of the proposed use are between 9:00a.m. to 7:00p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1 and A-2**.
- 1.3 According to the applicant, sufficient manoeuvring space will be provided within the Site. Staff will be deployed at the ingress/egress of the Site and traffic signs will be provided to enhance pedestrian and road safety. Medium/heavy goods vehicles, including

container tractors/trailers, will be prohibited to be parked/stored on or enter/exit the Site. No vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicle) Regulations will be allowed to be parked/stored at the Site. No open storage, dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and storage of dangerous goods will be carried out at the Site. Septic tank and soakaway system is proposed to treat the sewage generated at the Site. The applicant has also submitted a geotechnical planning review report in support of the application.

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

- (a) Application Form with attachments received on 30.12.2025 (Appendix I)
- (b) Further Information (FI) received on 2.3.2026[#] (Appendix Ia)
[#]accepted but not exempted from publication and recounting requirements

1.5 On 27.2.2026, the Rural and New Town Planning Committee (the Committee) of the Board agreed to defer making a decision on the application for two months as requested by the applicant.

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 and Ia**, as summarised below:

- (a) as there is a pressing demand for indoor storage space in recent years, the proposed use serves to support the local warehousing and storage industry;
- (b) while the Site is zoned “AGR”, it has been left vacant for decades without agricultural activities. Approval of the application on a temporary basis allows better utilising land resources and will not frustrate the long-term planning intention of the “AGR” zone;
- (c) the proposed use is not incompatible with the surrounding warehouses, waste recycling yards, logistics centres and storage yards;
- (d) there are similar applications within the same “AGR” zone approved by the Board, approval of the current application is in line with the previous decisions of the Board and would not set an undesirable precedent; and
- (e) the applicant will comply with all environmental protection/ pollution control ordinances. The applicant also undertakes to comply with the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) to minimise adverse environmental impacts and nuisance to the surrounding areas; to follow the good practices stated in the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 2/24 to minimise the impact on water quality of nearby watercourses; and to implement good practices in accordance to ProPECC PN 1/23 when designing onsite drainage system with the Site.

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 notices at the Site and sending notice to Sha Tau Kok District Rural Committee. 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 was issued on 17.2.2022. Subsequent site inspection revealed that the UD has been discontinued. The Compliance Notice was issued on 8.2.2023.

5. Previous Applications

5.1 The Site is the subject of four previous applications (No. A/NE-MUP/8, 17, 29 and 32) for open storage use. Application No. A/NE-MUP/8 was approved by the Board on review in 1995, while the remaining applications (No. A/NE-MUP/17, 29 and 32) were rejected by the Committee between 1996 and 2000. The planning considerations of the previous applications are not applicable to the current application which involves a different use.

5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Applications

6.1 There are three similar applications (No. A/NE-MUP/194, 208 and 218) for proposed temporary warehouse for a period of three years within the “AGR” zone in the vicinity of the Site in the past five years. The applications were approved with conditions by the Committee between 2024 and 2025 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-4)

7.1 The Site is:

- (a) formed and largely vacant; and
- (b) accessible via a local access road leading to Sha Tau Kok Road – Wo Hang.

7.2 The surrounding areas are of rural character mainly comprising storage yards, warehouses, logistics centres and domestic structures. A watercourse is located to the south 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 department 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 department does not support the application:

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

Agriculture

- (a) the Site falls within the “AGR” zone and is generally vacant. The agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the proposed use is not supported from agricultural perspective; and

Nature Conservation

- (b) the applicant should implement good site practice to avoid impacts on nearby trees on Government Land (GL) and nearby watercourses.

10. Public Comments Received During Statutory Publication Periods

On 6.1.2026 and 6.3.2026, the application was published for public inspection. During the statutory public inspection periods, five comments were received (**Appendix VI**). Three comments from Kadoorie Farm and Botanic Garden and an individual object to the application mainly on the grounds that the proposed use is not in line with the planning intention of the “AGR” zone; there are farmlands in the same “AGR” zone; and the Site is subject to previously rejected applications. 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 proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP. The proposed 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 possesses potential for agricultural rehabilitation. 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 The application involves proposed filling of land for the entire Site with concrete of not more than 0.2m in depth for erection of structures, provision of parking and L/UL spaces and circulation area. 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 from public 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 surrounding area of the Site is rural in character mainly comprising storage yards, warehouses, logistics centres, and domestic structures. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective, and considers that the proposed use is not entirely incompatible with the landscape character of its surroundings and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other relevant government departments consulted, including the Director of Fire Services and Head of the Geotechnical Engineering Office of Civil Engineering and Development 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. While the Commissioner for Transport has no comment on the application, she recommends imposing approval conditions on the implementation and maintenance of traffic management measures, taking into consideration the context of the Site including its location, the proposed use, etc. Should the application be approved, the applicant will also be advised to follow the requirements of the ‘COP’ to minimise any possible environmental impact on the surrounding area.
- 11.5 There are three similar applications for temporary warehouse within the “AGR” zone in the vicinity of the Site approved by the Committee between 2024 and 2025 on the considerations as detailed in paragraph 6.1 above. The planning circumstances of the current application are similar to those of these similar 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, 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 17.4.2029. 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 17.10.2026;
- (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 17.1.2027;
- (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 17.10.2026;
- (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 17.1.2027;
- (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 17.1.2027;
- (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 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 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 attachments received on 30.12.2025
Appendix Ia	FI Received on 2.3.2026
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	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 and A-4b	Site Photos

**PLANNING DEPARTMENT
APRIL 2026**