

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/275

- Applicant** : Smart Tone Development Limited
- Site** : Various Lots in D.D. 87 and Adjoining Government Land (GL), Kong Nga Po, Sheung Shui
- Site Area** : About 1,537m² (including GL of about 155m² or about 10% of the Site)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : 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 fenced-off, largely hard-paved and currently occupied by a temporary warehouse structure without valid planning permission (**Plans A-4a** and **A-4b**).
- 1.2 The Site is accessible from its north via a local track leading to Kong Nga Po Road (**Plan A-2**). According to the applicant, the applied use consists of a one-storey temporary structure with building height of not more than 4m and a total floor area of about 630m² for warehouse for storage of miscellaneous items (excluding dangerous goods). The remaining uncovered area of the Site will be used for parking provisions and vehicular circulation area. One parking or loading/unloading (L/UL) space for medium goods vehicle (11m (L) x 3.5m (W)) will be provided at the Site. A 7.3m-wide ingress/egress for vehicles is proposed at the northern boundary of the Site. A 2.5m high solid metal fencing will be erected along the site boundary. The operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No workshop activities, open storage activities or storage of dangerous goods will be carried out at the Site at any time during the planning approval period. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 The applicant also applies for regularisation of filling of land of the entire site to a depth of about 0.15m. No further filling of land will be carried out at the Site. According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site and the gate will remain open to ensure that no vehicles will queue back onto the local road; a warning sign will be installed at the ingress/egress to ensure pedestrian safety; and staff will be deployed to manage vehicles entering/exiting the Site.
- 1.4 The Site is the subject of a previously approved application (No. A/NE-FTA/242) (**Plans A-1 and A-2**) submitted by the same applicant for proposed temporary vehicle repair workshop (private car) and open storage of vehicles. The planning approval was subsequently revoked on 20.3.2026 due to non-compliance with approval conditions. Details of the previous application are set out in paragraph 5.1 below.
- 1.5 In support of the application, the applicant has submitted the following documents:
- | | | |
|-----|---|----------------------|
| (a) | Application Form with attachments received on 10.4.2026 | (Appendix I) |
| (b) | Further Information (FI) received on 18.5.2026* | (Appendix Ia) |
| (c) | FI received on 20.5.2026* | (Appendix Ib) |
| (d) | FI received on 21.5.2026* | (Appendix Ic) |
| (e) | FI received on 27.5.2026* | (Appendix Id) |

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

- (a) the surrounding areas are predominately intermixed with warehouses and open storage yards. The applied use is not incompatible with the surrounding uses;
- (b) the applied use is for warehouse for storage of miscellaneous items only. It would not induce adverse environmental impacts and noise nuisance;
- (c) temporary approval would not jeopardize the long-term planning intention of the Site; and
- (d) should the application be approved, the applicant will submit applications for Short Term Waiver (STW) and Short Term Tenancy (STT) to the Lands Department (LandsD), consult LandsD on the rectification of unlawful occupation of GL, liaise with the land owner of the adjoining lot in resolving the land issue, and reconstruct the structure.

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. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Background

- 4.1 The Site is not subject to any active planning enforcement action.
- 4.2 Part of the Site (Lots 339 S.A and 339 RP in D.D. 87 (the Lots)) was subject to planning enforcement action against unauthorized development (UD) involving storage use and use of place for parking of vehicles (No. E/NE-FTA/180). Enforcement Notice (EN) was issued on 15.3.2021 requiring discontinuation of the UD. Since the UD was not discontinued upon expiry of the EN, prosecution action was taken. Subsequent site inspections revealed that the UD was discontinued, a Compliance Notice was issued on 6.6.2024 and a Reinstatement Notice (RN) requiring reinstatement of the concerned land was issued on 11.6.2024. Subsequently, as the previous application (No. A/NE-FTA/242) covering the Lots was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 20.9.2024, a Cancellation Notice for the RN was issued on 11.11.2024 for the Lots.

5. Previous Applications

- 5.1 The majority of the Site is the subject of a previous application (No. A/NE-FTA/242) submitted by the same applicant for proposed temporary vehicle repair workshop (private car) and open storage of vehicles, which was approved with conditions by the Committee on 20.9.2024. The planning permission was subsequently revoked on 20.3.2026 due to non-compliance with approval conditions relating to the submission and implementation of drainage and fire service installations proposals, and implementation of traffic management measures. Its considerations are not applicable to the current application which involves a different use.
- 5.2 Besides, a minor portion of the southeastern part of the Site falling on GL is the subject of another application (No. A/NE-FTA/273) submitted by a different applicant for proposed temporary open storage of containers and vehicle repair workshop with ancillary facilities and associated filling of land and pond, which was approved with conditions by the Committee on 13.3.2026, with planning permission valid until 13.3.2029.
- 5.3 Details of the previous applications are summarised at **Appendix II** and their locations are shown in **Plans A-1** and **A-2**.

6. Similar Applications

- 6.1 There are four similar applications (No. A/NE-FTA/253, 257, 264 and 270) for temporary warehouse and associated filling of land within the same “AGR” zone in the vicinity of the Site in the past five years (**Plan A-1**), which were all approved with conditions by the Committee from 2024 to 2026 mainly on the considerations that the proposed use was not entirely incompatible with the surrounding areas; and the concerns of the relevant government departments could be addressed through implementation of 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) fenced-off, largely hard-paved and currently occupied by a temporary warehouse structure without valid planning permission;
- (b) partly covered by some vegetation at its western end; and
- (c) accessible via a local track to the north leading to Kong Nga Po Road.

7.2 The surrounding areas are rural in character comprising open storage yards, warehouses, temporary structures, domestic structures, intermixed with a plant nursery, vacant land and tree clusters. To the immediate south is a site covered with a valid planning permission (application No. A/NE-FTA/273) for proposed temporary open storage of containers and vehicle repair workshop, which is under construction. A cluster of proposed/existing open storage yards or warehouses with valid planning permissions (applications No. A/NE-FTA/251, 260, 264 and 270) is located to the east/southeast of the Site. To the north of the Site is an area zoned “Green Belt” generally comprising wooded slopes. To the further west of the Site is a site zoned “Government, Institution or Community (1)” for co-locating various police facilities in the North District and a proposed police training facility, for which construction is currently in progress.

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 Departments

9.1 Apart from the government departments as set out in paragraphs 9.2 and 9.3 below, other government 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 or do not support the application:

Land Administration

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

- (a) he has objection to the application;
- (b) the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are

allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the Site is required to pass through GL but no right of access via GL is granted to the Site;

- (c) no consent is given for inclusion of GL in the Site;
- (d) the following irregularities covered by the subject planning application have been detected by his office:

- (i) Unauthorised structures within Lots 339 S.A and 339 RP in D.D. 87 covered by the planning application

there are unauthorised structures on Lots 339 S.A and 339 RP in D.D. 87. The lot owner should rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (ii) Unlawful occupation of GL adjoining Lot 339 S.A in D.D. 87 with unauthorised structure covered by the planning application

the GL within the Site has been fenced off/illegally occupied with unauthorized structures(s) without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28). LandsD objects to the planning application since there is illegal occupation of GL which regularization would not be considered according to prevailing land policy. The lot owner(s) should immediately cease the illegal occupation of GL and remove the unauthorised structure(s) as demanded by LandsD. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

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

- (i) Unauthorised structure within Lot 340 RP in D.D. 87 not covered by the planning application

there is an unauthorised structure on Lot 339 RP in D.D. 87 extended to Lot 340 RP in D.D. 87 which is not covered by the subject planning application. The lot owner(s) should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (f) subject to the approval of the Board to the planning application which shall have reflected the rectification as aforesaid required, the lot owner(s)/applicant shall apply to his office for STW to permit the proposed structures. The application for STW will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW, if approved, will be on whole lot basis and subject to such terms and conditions including the payment of waiver fees and administrative fee as considered appropriate to be imposed by LandsD.

In addition, LandsD reserves the right to take enforcement action against the lot owner(s)/applicant for any breach of the lease conditions, including the breach(es) already in existence or to be detected at any point of time in future and land control action for any unlawful occupation of GL;

- (g) unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner(s)/applicant, his office has objection to the application and it must be brought to the attention of the Board when the application is being considered; and
- (h) his advisory comments are at **Appendix V**.

Agriculture

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

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

Environment

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

- (a) he is unable to lend support to the application from environmental planning perspective as the applied use involves the use of heavy vehicles and residential dwelling is identified within 50m from the access road (**Plan A-2**);
- (b) he has no particular comment on the regularisation of filling of land from environmental planning perspective since there is no further filling of land under the application;
- (c) no environmental complaint pertaining to the Site was received in the past three years; and
- (d) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

9.3 The following government department provides views on the application:

Traffic

9.3.1 Comments of the Commissioner for Transport (C for T):

- (a) she has no adverse comment on the application from traffic engineering perspective;

- (b) taking into consideration the location of the Site and requirement for vehicular access etc., should the application be approved, approval conditions should be included to request the applicant to implement the proposed traffic management measures, and to maintain the implemented traffic management measures at all times during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

10. Public Comments Received During Statutory Publication Period

On 17.4.2026, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix VI**). Three comments from an individual, the current land owner of the adjoining private lot (i.e. Lot 340 RP in D.D. 87) and the applicant of application No. A/NE-FTA/273 object to the application on the grounds that the Site is the subject of a previously revoked application submitted by the same applicant; there is an unauthorized structure at the Site extending onto the adjoining private lot which is the subject of an alleged land dispute, and legal action has been taken by the land owner; and part of the Site falling on GL is the subject of an approved application (No. A/NE-FTA/273) for which an STT application is under processing by LandsD¹. The remaining comment from a member of the North District Council indicates 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 which is zoned “AGR” on the OZP (**Plan A-1**). The applied use is not in line with the planning intention of the “AGR” zone, and DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nonetheless, 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 of the entire site to a depth of about 0.15m. 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. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective, while DEP has no particular comment on the regularisation of filling of land from environmental perspective. 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, which is fenced-off, largely hard-paved and currently occupied by a temporary warehouse structure without valid planning permission, is situated in an area of rural character comprising open storage yards, warehouses, temporary structures, domestic structures, and intermixed with a plant nursery, vacant land and tree clusters (**Plans A-2 to A-4b**). A proposed temporary open storage of containers and vehicle repair workshop

¹ DLO/N, LandsD and Chief Building Surveyor/New Territories West of Buildings Department advise that neither STT application has been approved nor any general building plan submission has been received respectively.

with a valid planning permission (application No. A/NE-FTA/273) is located to the immediate south (**Plan A-2**). The applied use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse landscape impact arising from the applied use is not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.

- 11.4 While DEP is unable to lend support to the application as the applied use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (**Plan A-2**), no substantiated environmental complaint pertaining to the Site was received in the past three years. Should the application be approved, the applicant will be advised to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental nuisance on the surrounding areas. Other concerned government departments consulted, including the Director of Fire Services, have no objection to or no adverse comment on the application. While C for T has no adverse comment on the application from traffic engineering perspective, she recommends imposing approval conditions on the implementation and maintenance of the proposed traffic management measures, taking into consideration the location of the Site and requirement for vehicular access. To address the technical requirements of other concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below.
- 11.5 As mentioned in paragraph 5 above, a minor portion of the southeastern part of the Site falling on GL is the subject of another application (No. A/NE-FTA/273) (**Plan A-2**) for proposed temporary open storage of containers and vehicle repair workshop. Should the application be approved by the Committee, the applicants of both applications will be advised to liaise with each other as well as LandsD in resolving the land issue². Regarding DLO/N, LandsD's concerns on the unauthorised structures erected within/outside the Site and unlawful occupation of GL within the Site, the applicant will also be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 11.6 There are four similar applications within the same "AGR" zone for temporary warehouse approved by the Committee from 2024 to 2026 as mentioned in paragraph 6 above. Approval of the current application is in line with the Committee's previous decisions.
- 11.7 Regarding the public comments as detailed in paragraph 10 above, the government departments' comments and the planning assessments above are relevant. For the public comments in relation to dispute over the alleged unlawful occupation of area, it should be noted that land administrative issue is not a material planning consideration. Nonetheless, should the application be approved, the applicant will be advised to resolve any land issues relating to the applied use with the concerned owner(s) of the lot(s) adjoining the Site.

² Should there be any change to the site boundary/site area of the approved scheme, planning application for amendment to the approved development proposal under section 16A(2) of the Town Planning Ordinance may be required.

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 5.6.2029. 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 5.12.2026;
- (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 5.3.2027;
- (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 5.12.2026;
- (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 5.3.2027;
- (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 5.3.2027;
- (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 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 received on 10.4.2026
Appendix Ia	FI received on 18.5.2026
Appendix Ib	FI received on 20.5.2026
Appendix Ic	FI received on 21.5.2026
Appendix Id	FI received on 27.5.2026
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
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a and A-3b	Aerial Photos
Plans A-4a and A-4b	Site Photos