

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-MUP/232**

<b><u>Applicant</u></b>	:	Austech Properties Limited represented by Lanbase Surveyors Limited
<b><u>Site</u></b>	:	Lots 171 RP (Part), 172 (Part) and 174 S.B RP in D.D. 38, Man Uk Pin
<b><u>Site Area</u></b>	:	About 2,660m <sup>2</sup>
<b><u>Lease</u></b>	:	Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	:	Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<b><u>Zoning</u></b>	:	“Agriculture” (“AGR”)
<b><u>Application</u></b>	:	Temporary Open Storage of Construction Materials 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 temporary open storage of construction materials 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-1a**). 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 paved and currently used for open storage without valid planning permission.
- 1.2 The Site is accessible via a local access road leading to Sha Tau Kok Road – Wo Hang (**Plan A-2**). According to the applicant, the applied use comprises open storage area of about 740m<sup>2</sup> (about 28% of the Site) which will be covered by three open-sided metal structures (5m in height), and six single-storey structures (2m to 3m in height) with a total floor area of about 100.92m<sup>2</sup> for storage use, site office and transformer room. Three private car parking spaces (2.5m(W) x 5m(L) each), a loading/unloading (L/UL) space for light goods vehicle (LGV) (3.5(W) x 7m(L)) and a waiting space for LGV (3.5(W) x 7m(L)) will be provided at the Site. There will be no storage of dangerous goods and no workshop activities. Sufficient vehicle manoeuvring space will be provided at the Site. To ensure pedestrian safety, sensor alarm and indication light will be provided at the entrance of the Site. Warning notices will be posted to prevent illegal parking and queuing of vehicles outside the Site. The applicant also applies for regularisation of filling of land for the entire Site with concrete of not more than 0.2m in depth. No further filling of land will be required. The operation hours of the applied use are 24 hours daily including public holidays, and the L/UL activities will only be carried out between

7:00am to 11:00pm from Mondays to Saturdays. The layout plan and land filling plan submitted by the applicant are shown in **Drawings A-1** and **A-2** respectively.

1.3 The Site, in part or in whole, is the subject of five previous applications for open storage or vehicle park for container trailers. The previous application No. A/NE-MUP/86 for temporary open storage of recycled materials (plastics) for a period of three years was rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 16.8.2013. Details of the previous applications are set out in paragraph 6 below. Compared with the previously rejected application No. A/NE-MUP/86, the current application involves a slightly larger area (+590m<sup>2</sup>/ +29%) with a different layout.

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

- |                                                                 |               |
|-----------------------------------------------------------------|---------------|
| (a) Application Form with attachments received on 28.4.2026     | (Appendix I)  |
| (b) Supplementary Information (SI) received on 30.4.2026        | (Appendix Ia) |
| (c) Further Information (FI) received on 27.5.2026 <sup>#</sup> | (Appendix Ib) |
| (d) FI received on 11.6.2026 <sup>#</sup>                       | (Appendix Ic) |

<sup>#</sup>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, SI and FIs at **Appendices I** to **Ic**, as summarised below:

- (a) approval of the application on a temporary basis will not prejudice the future long-term planning of the area;
- (b) the application is in line with 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);
- (c) there are similar approved applications in the vicinity of the Site. The surrounding areas of the Site are generally occupied with open storage yards and the applied use is considered compatible with the surrounding uses; and
- (d) no adverse drainage, environmental and traffic impacts are anticipated.

## 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 publishing notices in local newspapers 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 is subject to a planning enforcement action (No. E/NE-MUP/158) against an unauthorized development (UD) involving storage use and use for place for parking of vehicles

(Plan A-2). An Enforcement Notice (EN) was issued on 2.3.2026 requiring discontinuation of the UD by 2.5.2026. Site inspection on 6.5.2023<sup>6</sup> revealed that the UD still continued upon expiry of the EN. Prosecution action is being considered.

## 5. Town Planning Board Guidelines

The TPB PG-No. 13G promulgated by the Board on 14.4.2023 is relevant to the application. The Site falls largely within Category 2 areas<sup>1</sup> under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

## 6. Previous Applications

- 6.1 The Site, in part or in whole, is the subject of five previous applications (No. A/DPA/NE-MUP/14, A/NE-MUP/24, 28, 86 and 135).
- 6.2 Application No. A/DPA/NE-MUP/14 for storage/open storage of construction machinery and materials and open storage of containers was approved with conditions for a period of three years by the Board on review in 1994. The application was considered under the “Unspecified Use” designation on the then draft Man Uk Pin Development Permission Area Plan No. DPA/NE-MUP/2, and the considerations are not relevant to the current application which is under different zoning.
- 6.3 Applications No. A/NE-MUP/24, 28 and 86 for temporary open storage for a period of one year were rejected by the Committee or by the Board on review between 1997 and 2013 mainly on the grounds that there was no strong justification for a departure from the planning intention of the “AGR” zone; the applied use was incompatible with the surrounding land uses; and the application site fell within Category 3 areas and the application did not comply with the then TPB PG-No. 13E (for application No. A/NE-MUP/86 only). Application No. A/NE-MUP/135 for proposed temporary vehicle park for container trailers for a period of three years was rejected by the Committee in 2019 and the considerations are not relevant to the current application due to different use involved.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plans A-1a** and **A-1b**.

## 7. Similar Applications

- 7.1 There are four similar applications (No. A/NE-MUP/192, 207, 215 and 216) involving three sites for proposed temporary open storage within the “AGR” zone in the vicinity of the Site in the past five years. All of them were approved with conditions by the Committee for a period of three years between 2023 and 2025 mainly on the considerations that the application site fell within the Category 2 areas and the application generally complied with TPB PG-No. 13G in that there were no major adverse comments from relevant departments or their concerns could be addressed by relevant approval conditions. Application No. A/NE-MUP/207 was approved also on the consideration that the proposed use was to

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<sup>1</sup> The Site fell within Category 3 areas under the then TPB PG-No. 13E. A large portion of the Site (2,554m<sup>2</sup> or 96%) was subsequently reclassified as Category 2 area under TPB PG-No. 13G. The remaining portion of the Site (106m<sup>2</sup> or 4%) remains as Category 3 area, which will not be taken into account in the planning assessment given its relatively small area.

facilitate the relocation of business operation affected by government project and policy support from the Secretary for Development was obtained.

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

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

8.1 The Site is:

- (a) paved and currently used for open storage without valid planning permission; and
- (b) accessible via a local access road leading to Sha Tau Kok Road – Wo Hang.

8.2 The surrounding areas are of rural character comprising mainly storage yards, a workshop, residential dwellings and fallow agricultural land. An open storage yard covered by two approved applications (No. A/NE-MUP/207 and 216) is located to the immediate west of the Site. The village cluster of Man Uk Pin within the “Village Type Development” zone is located to the further northwest of the Site.

## **9. Planning Intention**

9.1 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.

9.2 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.

## **10. Comments from Relevant Government Departments**

10.1 Apart from the government departments as set out in paragraphs 10.2 and 10.3 below, other government departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and recommended advisory clauses are provided at **Appendices V** and **VI** respectively.

10.2 The following government departments have adverse comment on or do not support the application:

### Land Administration

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

- (a) he has adverse comment on 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 Government land (GL) but no right of access via GL is granted to the Site;

- (c) Lot 172 in D.D. 38 is covered by a Short Term Wavier (STW) No. 1157 for the purpose of “workshop and storage of metal ware”. Although no structure is proposed for the portion of Lot 172 within the Site, the proposed use of the application does not tally with the permitted use under the STW;
- (d) the following irregularity covered by the planning application has been detected by his office:

unauthorised structures within Lots 171 RP and 174 S.B RP both in D.D. 38 covered by the planning application

there are unauthorised structures within the said private lots. The lot owner should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice.

- (e) if the planning application is approved, the lot owner shall apply to his office for a STW (on whole lot basis) to permit the structures erected and/to be erected within the said private lots. 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 subject to such terms and conditions including the payment of back-dated waiver fee and administrative fee as considered appropriate by LandsD. Besides, given the applied use is temporary in nature, only erection of temporary structure(s) will be considered;
- (f) unless and until the unauthorised structures are duly rectified by the lot owner/applicant, his office has adverse comment on the application which must be brought to the attention of the Board when they consider the application; and
- (g) his advisory comments are at **Appendix VI**.

### Agriculture

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

the Site falls within the “AGR” zone, and is generally vacant with some sundries. 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. As the Site possesses potential for agricultural rehabilitation, the applied use is not supported from agricultural perspective.

10.3 The following government department provides views on the application:

Traffic

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

- (a) she has no comment on the application;
- (b) taking into consideration the location of the Site and road safety, it is suggested to impose approval conditions on the submission, implementation and maintenance of traffic management measures; and
- (c) her advisory comments are at **Appendix VI**.

**11. Public Comments Received During Statutory Publication Period**

On 5.5.2026, the application was published for public inspection. During the statutory public inspection period, ten comments were received (**Appendix VII**). Seven comments from a local resident and individuals object to the application mainly on the grounds that the applied use would induce adverse traffic, pedestrian safety, environmental, drainage, landscape, structural safety and fire safety impacts; the applied use is not compatible with the surrounding area; there are already many warehouses/logistics centres in the area; and the Site is subject to illegal open storage activities. Two comments from World Wildlife Fund Hong Kong and Kadoorie Farm & Botanic Garden Corporation provide views that the Site is formed with construction materials, and the Board should take into account whether there are unauthorized uses and/or ongoing enforcement case in relation to the Site. The remaining comment from a member of the North District Council indicates no comment on the application.

**12. Planning Considerations and Assessments**

12.1 The application is for temporary open storage of construction materials 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 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. Taking into account the planning assessments below, there is no objection to the applied use with associated filling of land on temporary basis of three years.

12.2 The application involves regularisation of filling of land for the entire Site with concrete of about 0.2m in depth. 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 from public drainage and environmental planning 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.

- 12.3 The Site is situated in an area of rural character comprising mainly storage yards, a workshop, residential dwellings and fallow agricultural land. An open storage yard covered by two approved applications (No. A/NE-MUP/207 and 216) is located to the immediate west of the Site. The applied use is considered not entirely incompatible with the surrounding area.
- 12.4 The Site falls almost entirely within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that relevant government departments consulted have no objection to or no adverse comment on the application. C for T has no comment on the application and recommends imposing approval conditions on the submission, implementation and maintenance of traffic management measures taking into consideration the location of the Site and road safety. To address the technical requirements of the other concerned government departments, relevant approval conditions are recommended in paragraph 13.2 below. Should the application be approved, the applicant will be advised to follow the environmental mitigation measures as set out in the 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise any potential environmental nuisance. 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.
- 12.5 The Site is involved in three previous applications for temporary open storage use which were rejected between 1997 and 2013 as detailed in paragraph 6.3 above. Their planning considerations were not applicable to the current application as a major portion of the Site has been reclassified as Category 2 area under TPB PG-No. 13G.
- 12.6 There are four approved similar applications for temporary open storage use within the "AGR" zone in the vicinity of the Site in the past five years as mentioned in paragraph 7.1 above. The planning circumstances of the current application are largely similar to those of the approved similar applications. Approval of the current application is in line with the Committee's previous decisions.
- 12.7 Regarding the public comments as detailed in paragraph 11, the government departments' comments and planning assessments above are relevant.

### **13. Planning Department's Views**

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments in paragraph 11 above, the Planning Department has no objection to the application.
- 13.2 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 26.6.2029. 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 26.12.2026;

- (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 26.3.2027;
- (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 26.12.2026;
- (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 26.3.2027;
- (f) the submission of 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 26.12.2026;
- (g) in relation to (f) above, the implementation of the 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 26.3.2027;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (i) if any of the above planning condition (c) or (h) 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;
- (j) if any of the above planning condition (a), (b), (d), (e), (f) or (g) 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
- (k) 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 VI**.

- 13.3 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.

#### **14. Decision Sought**

- 14.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 14.2 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.
- 14.3 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.

#### **15. Attachments**

<b>Appendix I</b>	Application Form with Attachment received on 28.4.2026
<b>Appendix Ia</b>	SI received on 30.4.2026
<b>Appendix Ib</b>	FI received on 27.5.2026
<b>Appendix Ic</b>	FI received on 11.6.2026
<b>Appendix II</b>	Relevant Extracts of TPB PG-No. 13G
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar Applications
<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Layout Plan
<b>Drawing A-2</b>	Land Filling Plan
<b>Plans A-1a and A-1b</b>	Location Plans
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
JUNE 2026**