

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-STK/36

<u>Applicant</u>	:	Magic 7 Smart Technology Ltd. represented by Lawson David & Sung Surveyors Limited
<u>Site</u>	:	Various Lots in D.D. 41 and Adjoining Government Land (GL), Tong To, Sha Tau Kok
<u>Site Area</u>	:	About 5,121m ² (including GL of about 546m ² or 11% of the Site)
<u>Lease</u>	:	Block Government Lease (demised for agricultural use)
<u>Plan</u>	:	Approved Sha Tau Kok Outline Zoning Plan (OZP) No. S/NE-STK/2
<u>Zonings</u>	:	(i) “Village Type Development” (“V”) (about 4,530m ² or 88% of the Site) (ii) “Recreation” (“REC”) (about 591m ² or 12% of the Site)
<u>Application</u>	:	Proposed Temporary Drone Training Centre with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary drone¹ training centre with ancillary facilities for a period of three years at the application site (the Site) falling within an area zoned “V” and “REC” on the OZP (**Plan A-1**). According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is largely vacant, partly covered by vegetation and currently occupied by a two-storey vacant structure.
- 1.2 The Site is accessible via a local road to its southeast leading to Sha Tau Kok Road – Shek Chung Au (**Plan A-1**). An 8m-wide ingress/egress is proposed at the southeastern boundary of the Site. The applicant intends to cooperate with a SUA Approved Training Organization (ATO) to operate a drone training centre providing certified courses². The proposed use with a total floor area of about 248m² comprises five single-storey (about 3m in height) SUA training rooms with an area of about 15m² each, and the existing two-storey vacant structure (about 5m in height) with a floor area of about 173m² will be renovated for reception, site office and rain shelter. An area of about 675m² (i.e. 15m x

¹ Drone is also known as Small Unmanned Aircraft (SUA), the operations of which are regulated by the SUA Order (Cap. 448G) under the Civil Aviation Ordinance (Cap. 448) which became effective on 1.6.2022.

² According to the applicant, under the SUA Order, for SUA pilots who wish to conduct advance operations prone to higher risks, they are required to obtain the “Advanced Rating” qualification from the Civil Aviation Department (CAD) by completing pilot training course provided by SUA ATO.

45m) at the centre of the Site will be designated as a Take-off and Landing Zone for take-off and landing of SUAs, and operation of SUA will be confined within the designated Flight Boundary which is set back by 30m from the nearby columbarium and village houses. A parking space for 16-seat minibus (3m(W) x 7m(L)) and four parking spaces for private cars (2.5m(W) x 5m(L) each) for staff and visitors are proposed at the Site. The operation hours of the proposed use are between 9:00a.m. to 6:00p.m. from Wednesdays to Sundays including public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

1.3 According to the applicant, the maximum number of students at the Site will be limited to 22 at all times. The operation of the proposed use will adhere to the regulatory and operating requirements set out in the Safety Requirement Document prepared by CAD, as well as the regulations stipulated in the SUA Order (Cap. 448G). Apart from the Take-off and Landing Zone and Flight Boundary mentioned in paragraph 1.2 above, the use of drones will also be restricted to a maximum altitude of 30m above ground level, a flying speed of 50km/hr, and drones will only be used during daylight hours within the area of the Site. Shuttle bus service will be provided to the students attending classes, and prior appointment is required for car parking spaces. In addition to providing a separate pedestrian access, warning signs and revolving lights will be installed to ensure pedestrian safety, and staff will be deployed to manage traffic. A 2.5m high metal fencing will be erected along the site boundary. Toilets and a septic tank system in accordance with the relevant standards are proposed at the Site. The applicant also submitted a drainage proposal in support of the application.

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

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| (a) Application Form with attachments received on 14.7.2026 | (Appendix I) |
| (b) Further Information (FI) received on 4.8.2026* | (Appendix Ia) |
| (c) FI received on 27.8.2026* | (Appendix Ib) |
| (d) FI received on 31.8.2026* | (Appendix Ic) |
| (e) FI received on 8.9.2026* | (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 proposed use complements the Government's policy of promoting the wider application of drones, supporting the low-altitude economy development;
- (b) the proposed use is similar in nature with the uses under 'Place of Recreation, Sports or Culture', which is a Column 1 use in the "REC" zone and a Column 2 use in the "V" zone. The proposed use is considered in line with the planning intention of the "REC" zone;
- (c) while the Site is mainly zoned "V" (about 4,530m² or about 88%), only about 670m² of the Site falls within the village 'environs' ('VE') of Tong To, and there is no Small House application within the Site. Given the substantial amount of available land for Small House development and the temporary nature of the proposed use, the approval of the application will not hinder the availability of land for Small House development, and the long-term planning intention of the locality will not be jeopardized;

- (d) all training sessions will be held exclusively within the Site, and participants are required to leave the premises immediately upon session completion. Class sizes will be capped to ensure close supervision. Before each class, a mandatory safety and etiquette briefing will be conducted, thereby further minimising any potential disturbance to local residents; and
- (e) the Site is not located within a Restricted Flying Zone (RFZ). No adverse drainage, traffic and environmental impacts on the surrounding area are anticipated. Two electric poles with overhead powerlines within the Site will be relocated and the application for relocation is currently under processing. The Site is considered suitable for drone training purpose.

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 site notice and sending notice to Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent/Notification” Requirements under TPB PG-No. 31B are not applicable.

4. Background

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

5. Previous Application

The Site is not the subject of any previous application.

6. Similar Application

There is no similar application for the same use within the same “V” and “REC” zones in the vicinity of the Site in the past five years.

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

7.1 The Site is:

- (a) largely vacant, partly covered by vegetation and currently occupied by a two-storey vacant structure; and
- (b) accessible via a local road to its southeast leading to Sha Tau Kok Road – Shek Chung Au.

7.2 The surrounding areas are of rural character mainly comprising village houses, active agricultural and vacant land. Tong To Ping Tsuen comprising village houses, a columbarium and a Tsz Tong is located to the immediate southwest of the Site. To the immediate north of the Site is a watercourse. To the further northeast of the Site is the village proper of Tong To.

8. Planning Intentions

- 8.1 The planning intention of the “V” zone is to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. It is also intended to concentrate village type development within this zone for a more orderly development pattern, efficient use of land and provision of infrastructures and services. Selected commercial and community uses serving the needs of the villagers and in support of the village development are always permitted on the ground floor of a New Territories Exempted Houses. Other commercial, community and recreational uses may be permitted on application to the Board.
- 8.2 The planning intention of the “REC” zone is primarily for recreational developments for the use of the general public. It encourages the development of active and/or passive recreation and tourism/eco-tourism. Uses in support of the recreational developments may be permitted subject to planning permission.

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 recommended advisory clauses are provided at **Appendices II** and **III** respectively.
- 9.2 The following government department has adverse comment on the application:

Land Administration

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

- (a) he has adverse comment on the application;
- (b) the Site comprises several Old Schedule Agricultural Lots held under the Block Government Lease which contains restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress points of the Site require to pass through GL but there is no right of access via GL granted to the Site yet. There is no guarantee that the GL within the Site shall be allowed for the proposed use/ingress or egress points;
- (c) the Site also comprises GL of about 546m² and there is no consent granted for the applicant to occupy the GL yet. Any occupation of GL without the prior approval from the Government is an offence which may trigger the land control action;

- (d) the following irregularities covered by the subject planning application detected by his office:

suspected unauthorised structures within Lot 1403 in D.D. 41 covered by the planning application

there are suspected unauthorised structures found on Lot 1403 in D.D. 41 which is one of the lots under application. Records of Surveyed Squatter Structures were found thereon, but their conformity is subject to further investigation. His office reserves the rights to take necessary enforcement action if any breach is detected;

unlawful occupation of GL adjoining Lots 1368, 1372 and 1403 in D.D. 41 with suspected unauthorised structure covered by the planning application

the GL within the Site has been illegally occupied with suspected unauthorised structure. 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 if identified;

- (e) if the planning application is approved, the lot owner will need to apply to his office for Short Term Wavier (STW) and Short Term Tenancy (STT) to permit the structures erected/to be erected within the said private lot and the occupation of the GL. The applications for STW (on whole lot basis) and STT will be considered by the Government in its capacity as a landlord and there is no guarantee that they will be approved. The STW (on whole lot basis) and STT applications, if approved, will be subject to such terms and conditions including the payment of back-date waiver fee /rent 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. Besides, given the proposed use is temporary in nature, only erection of temporary structure(s) will be considered; and
- (f) no Small House application has been received for the subject lots.

9.3 The following government departments provide views on the application:

Aviation Safety

9.3.1 Comments of the Director-General of Civil Aviation (DGCA):

- (a) she has no comment on the proposed use at the Site to conduct SUA training from the aviation safety perspective;
- (b) it should be noted that the required dimensions and the suitability of the Site, which depend on the models/ types of unmanned aircraft systems used and the mode of operations involved, are subject to the site-specific conditions and may vary from one SUA training application to another. So far, the CAD has not received any applications for conducting SUA training courses

at the Site. At this time, the applicant is neither a CAD-approved SUA ATO nor an applicant for SUA ATO;

- (c) for information regarding suitability and qualifications of SUA ATO, reference should be made to the SUA ATO Requirements Document. As far as the SUA Order (Cap. 448G) is concerned, a SUA ATO is not required to be the sole land owner of the training/ examination venue. That said, relevant land or property owner's permission must be obtained in advance. Upon receiving an ATO application, a detailed on-site assessment will be conducted by the CAD on each training site proposed with reference to the detailed site delineation for different training functions and the associated cordoning measures as proposed by the applicant in order to assess the suitability of the site for SUA training. Subject to acceptance by the CAD, an SUA ATO may also conduct the SUA training course in collaboration with other entities. Details on such collaboration shall be submitted to the CAD for consideration;
- (d) for the minimum lateral separation, the site for SUA training, in general, should be well separated and cordoned from uninvolved people, structures, vehicles or vessels and not located within RFZ. When determining the distance to be maintained between the SUA and students/ staff, an SUA operator and/or SUA ATO should take into account the instruction/ safety guidelines issued by the SUA manufacturer, size and safety features of the SUA, and the applicable operating requirements. The distance between a Category A1 SUA and any person who is not involved in the flight operations, or any vehicle, vessel or structure that is not under the control of the remote pilot, measured horizontally and at any altitude, shall not be less than 10 m. The distance between a Category A2 SUA and any person who is not involved in the flight operations, or any vehicle, vessel or structure that is not under the control of the remote pilot, measured horizontally and at any altitude, shall not be less than 10m (with the flying speed of the SUA not exceeding 20km/hr) or not less than 30m (with the flying speed of the SUA exceeding 20km/hr but not exceeding 50km/hr);
- (e) it is noted from the responses of the applicant that the applicant will strictly adhere to the instructions/ safety guidelines issued by the SUA manufacturer, size and safety features of the SUA, and the applicable operating requirements, and comply with the requirements on maximum flying speed and the minimum lateral separation requirement from uninvolved people/ structures/ vehicles/ vessels for the operation of SUA;
- (f) regarding the proposed maximum operating height of 30m above ground level, she has no concerns from air traffic management's perspectives; and
- (g) her advisory comments are at **Appendix III**.

Traffic

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

- (a) she has no comment on the application;

- (b) taking into consideration road safety and road management, approval conditions on the submission and implementation of traffic management measures should be included. Also, the implemented traffic management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix III**.

10. Public Comments Received During Statutory Publication Period

On 21.7.2026, the application was published for public inspection. During the statutory public inspection period, a total of 74 comments were received (**Appendix IV**). 70 comments from Hong Kong International Aviation Academy Limited, the Indigenous Resident Representative and Resident Representative of Tong To, villagers and individuals support or have no objection to the proposed use mainly on the considerations that the proposed use is in support of low-altitude economy development amid the shortage of drone training facilities; the proposed use generates economic opportunities to the locality; and the impacts of the proposed use on the villagers are limited. Two comments from Sha Tau Kok District Rural Committee and a villager object to the application mainly on the grounds that the Site is located too close to the existing village houses; the proposed use is incompatible with the surrounding area; and the proposed use would induce adverse impacts on noise, electricity safety, public safety and privacy concerns. An individual provides views that there is a lack of information provided in the application on toilet facilities, the visual impact of the proposed fencing, and whether drone training facilities could be provided on landfill. The remaining comment from an individual indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary drone training centre with ancillary facilities for a period of three years at the Site falling within an area zoned “V” (about 88%) and “REC” (about 12%) on the OZP. While the proposed use is not in line with the planning intentions of “V” and “REC” zones, DLO/N, LandsD advises that no Small House application has been received for the subject lots. Also, there is no known proposal for recreational development at the Site. In view of the above and taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis for a period of three years.
- 11.2 The Site is situated in an area of rural character mainly comprising village houses, active agricultural and vacant land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no objection in principle to the application from landscape planning perspective, and considers that the proposed use is not entirely incompatible with the surrounding environment, and significant adverse landscape impact arising from the application is not anticipated.
- 11.3 DGCA has no comment on the proposed use at the Site to conduct SUA training from the aviation safety perspective. Other government departments consulted, including the Director of Environmental Protection and Chief Engineer/Mainland North of Drainage Services Department have no objection to or no adverse comment on the application. While C for T has no comment on the application, she recommends imposing approval conditions on the submission, implementation and maintenance of traffic management measures in consideration of road safety and road management. To address the technical requirements of 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 the Site and unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.

- 11.4 Regarding the public comments as detailed in paragraph 11, 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 11.9.2029. 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 11.3.2027;
- (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 11.6.2027;
- (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 11.3.2027;
- (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 11.6.2027;
- (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 11.3.2027;
- (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 11.6.2027;
- (h) in relation to (g) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;

- (i) the submission of a geotechnical investigation report within 6 months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board by 11.3.2027;
- (j) in relation to (i) above, the implementation of the necessary geotechnical works identified therein within 9 months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department or of the Town Planning Board by 11.6.2027;
- (k) 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; and
- (l) if any of the above planning condition (a), (b), (d), (e), (f), (g), (i) or (j) 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.

Advisory Clauses

The recommended advisory clauses are 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 is not in line with the planning intention of the "V" zone which is primarily for development of Small Houses by indigenous villagers. It is also not in line with the planning intention of the "REC" zone which is primarily for recreational developments for the use of the general public. There is no strong planning justification in the submission for a departure from the planning intentions, 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 14.7.2026
Appendix Ia	FI received on 4.8.2026
Appendix Ib	FI received on 27.8.2026
Appendix Ic	FI received on 31.8.2026
Appendix Id	FI received on 8.9.2026

Appendix II	Government Departments' General Comments
Appendix III	Recommended Advisory Clauses
Appendix IV	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-4d	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**