

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/231

- Applicant** : Sun Chance Limited represented by R-riches Planning Limited
- Site** : Lots 36, 37 (Part) and 38 (Part) in D.D. 38, Man Uk Pin, Sha Tau Kok
- Site Area** : About 1,149m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Open Storage of Construction Materials and Machinery and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary open storage of construction materials and machinery 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 “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is largely vacant and partly hard-paved.
- 1.2 The Site is accessible via a local track leading to Sha Tau Kok Road – Wo Hang (**Plan A-2**). An 7.3m-wide ingress/egress is proposed at the northwestern boundary of the Site. According to the applicant, the proposed use is intended for storage of construction materials (steel beam, bricks, scaffold, etc.) and machinery (generator, elevated platform, etc.). It involves about 692m² or 60% of the Site for open storage use and no structure is proposed at the Site. The remaining open area will be used to provide a parking space for private car (2.5m (W) x 5m (L)), a loading/unloading (L/UL) bay for light goods vehicle (3.5m (W) x 7m (L)) and circulation space. The applicant also applies for proposed filling of land at the entire site with concrete of not more than 0.2m in depth for open storage, provision of parking space and L/UL bay and circulation area. The operation hours are between 9:00 a.m. and 7:00 p.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** respectively.
- 1.3 According to the applicant, sufficient manoeuvring space will be provided within the Site. For pedestrian and road safety and preventing illegal parking, staff will be deployed at the ingress/egress of the Site to manage vehicles and warning signs will be installed.

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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, and storage of dangerous goods will be carried out at the Site. The applicant has also submitted a drainage impact assessment (DIA) 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 22.4.2026 (Appendix I)
 - (b) Further Information (FI) received on 30.7.2026* (Appendix Ia)
- * accepted and exempted from the publication and recounting requirements*

1.5 On 5.6.2026, 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) the Site falls within the Category 2 areas under the Town Planning Board Guidelines No. 13G for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13G). While the Site is zoned “AGR”, it has been left vacant for decades without active agricultural activities. Approval of the application on a temporary basis will not frustrate the long-term planning intention of the “AGR” zone and will better utilise the precious land resources in the New Territories. The proposed use could also meet pressing demand for open storage space in recent years and support the local construction industry;
- (b) the proposed use is not incompatible with the surrounding areas comprising workshops, warehouses, waste recycling yards and storage yards. There are similar planning approvals within the same “AGR” zone. Approval of the application will not set an undesirable precedent;
- (c) adverse traffic impact arising from the proposed use is not anticipated. The applicant will comply with the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ (‘COP’) to minimise adverse environmental impacts and nuisances to the surrounding areas. All environmental protection/pollution control ordinances will be complied with at all times during the planning approval period. The applicant will also follow relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts;
- (d) no unacceptable drainage impact is anticipated with the implementation of drainage facilities. The applicant commits to implement the drainage facilities and the identified mitigation measures upon approval of the application; and
- (e) all existing structures within the Site will be removed upon obtaining planning permission.

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 notice at the Site and sending notice to the Sha Tau Kok District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

4. **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 within Category 2 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

5. **Background**

The Site is not subject to active planning enforcement action.

6. **Previous Application**

The Site is not the subject of any previous application.

7. **Similar Applications**

7.1 There are five similar applications (No. A/NE-MUP/192, 207, 215, 216 and 232) for proposed temporary open storage use falling 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 between 2023 and 2026 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 departmental comments or the concerns of the relevant government departments could be addressed by imposition of approval conditions; and policy support from the Secretary for Development was obtained as the application was to facilitate relocation of business operation affected by government project (for application No. A/NE-MUP/207 only).

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

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

8.1 The Site is:

- (a) largely vacant and partly hard-paved; and
- (b) accessible via a local track leading to Sha Tau Kok Road – Wo Hang.

8.2 The surrounding areas are of rural character comprising mainly warehouses, open storage/storage yards, vehicles repairing workshops, parking of vehicles and residential dwellings.

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 IV** and **V** respectively.
- 10.2 The following government departments have adverse comment 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 comments 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) and the adjoining private lot. No right of access via GL is granted to the Site. The applicant should make his own arrangements for acquiring access to the Site. The Government shall accept no responsibility in such arrangements;
- (c) it is noted that no structure is proposed in the planning application, but there are unauthorised structures erected within Lots 36 and 38 in D.D. 38 as further elaborated below;
- (d) the following irregularity covered by the planning application has been detected by his office:

unauthorised structure within Lot 36 in D.D. 38 covered by the planning application

there are unauthorised structures within Lot 36 in D.D. 38. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

- (e) the following irregularities not covered by the planning application have been detected by his office:

unauthorised structure within Lot 38 in D.D. 38 not covered by the planning application

there is a structure extended from adjoining Lot 35 in D.D. 38 to Lot 38 in D.D. 38 not covered by the subject planning application. The lot owner should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice;

unlawful occupation of GL not covered by the planning application

the GL adjoining Lot 36 in D.D. 38 has been fenced off without permission. The GL being illegally occupied is not included in the application. The applicant should clarify the extent of the Site. 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 without further notice;

- (f) the lot owner/applicant shall either (i) remove the unauthorised structures and cease the illegal occupation of the GL not covered by the planning application immediately; or (ii) include the unauthorised structures and the adjoining GL being illegally occupied in the planning application for the further consideration by the relevant departments and, subject to the approval of the Board to the planning application which shall have reflected the rectification or amendment as aforesaid required, apply to his office for a Short Term Waiver (STW) (on whole lot basis) and Short Term Tenancy (STT) to permit the structures erected and the occupation of GL. The applications for STW 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 and STT, if approved, will be subject to such terms and conditions including the payment of backdated 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/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) erection of unauthorised structures and illegal occupation of GL should not be encouraged. Unless and until the unauthorised structures and the unlawful occupation of GL are duly rectified by the lot owner/applicant or entirely included in the planning application, his office has adverse comment on the application which must be brought to the attention of the Board when they consider the application; and
- (h) his advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

10.2.2 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) he has no comment on the application from nature conservation 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, the user, etc., an approval condition on implementation of traffic management measures as proposed by the applicant 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 V**.

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, eight comments were received (**Appendix VI**). Five comments from individuals object to the application mainly on the grounds that the proposed use would lead to adverse traffic impact; the proposed use together with the warehouses and logistics centres nearby would cause traffic congestion, affect pedestrian safety and cause adverse landscape, ecological and fire safety impacts; there is a safety concern arising from the nearby warehouse structures; the Site is not the subject of any previously approved application; and the proposed use is not in line with the planning intention of the “AGR” zone. Two comments from WWF Hong Kong and Kadoorie Farm & Botanic Garden Corporation provide views that the Site is subject to vegetation clearance; 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 proposed temporary open storage of construction materials and machinery 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 and DAFC does not support the application from the 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.
- 12.2 The application involves proposed filling of land at the Site with concrete of not more than 0.2m in depth for open storage, provision of parking space and L/UL bay and circulation area. 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 has no objection to the application from public drainage perspective, and the Director of Environmental Protection has no comment on the filling of land from environmental planning perspective subject to implementation of relevant mitigation measures listed in the Recommended Pollution Control Clauses for Construction Contracts. In this regard, the applicant advises that relevant mitigation measures will be implemented. 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 located in an area of rural character mainly comprising warehouses, open storage/ storage yards, vehicles repairing workshops, parking of vehicles and residential dwellings. The proposed use is considered not entirely incompatible with the surrounding land uses.
- 12.4 The Site falls within the Category 2 areas under the TPB PG-No. 13G. The application generally complies with TPB PG-No. 13G in that relevant government departments consulted 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 implementation and maintenance of traffic management measures as proposed by the applicant in consideration of the location of the Site, the user, etc. To address the technical requirements of concerned 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 ‘COP’ to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concern on the unauthorised structures erected within/outside the Site and the unlawful occupation of GL, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.5 There are five 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 applications. Approval of the current application is in line with Committee’s previous decisions.
- 12.6 Regarding the public comments on the application as detailed in paragraph 11 above, 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 25.9.2029. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the implementation of the drainage facilities identified in the accepted drainage impact assessment 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 25.6.2027;
- (b) in relation to (a) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (c) the compliance with fire safety requirements 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 25.6.2027;
- (d) 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 25.6.2027;
- (e) in relation to (d) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (f) the submission of the design of vehicular run-in/out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 25.3.2027;
- (g) in relation to (f) above, the provision of vehicular run-in/out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 25.6.2027;
- (h) if any of the above planning condition (b) or (e) 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), (c), (d), (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
- (j) upon expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard-paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

The Recommended Advisory Clauses are at **Appendix V**.

- 13.3 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.

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

Appendix I	Application Form with Attachments received on 22.4.2026
Appendix Ia	FI received on 30.7.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
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 to A-4b	Site Photos

**PLANNING DEPARTMENT
SEPTEMBER 2026**