

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MUP/235

<u>Applicant</u>	: Golden Smart Development Limited represented by R-riches Planning Limited
<u>Site</u>	: Lot 207 in D.D. 38, Man Uk Pin
<u>Site Area</u>	: About 950m ²
<u>Leases</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Man Uk Pin Outline Zoning Plan (OZP) No. S/NE-MUP/11
<u>Zoning</u>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Warehouse (Excluding Dangerous Goods Godown) with Ancillary Facilities and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the application site (the Site) falling within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years and filling of land within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is largely vacant and covered with grass.
- 1.2 The Site is accessible via a local access road leading to Sha Tau Kok Road – Wo Hang (**Plan A-1**). A 6m-wide ingress/egress is proposed at the eastern boundary of the Site. According to the applicant, the proposed use comprises two single-storey structures (about 9m in height) with a total floor area of about 424m² for warehouse, site office and washroom. The proposed warehouse is intended for storage of miscellaneous goods, e.g. packaged food, apparel, footwear, electronic goods, furniture, etc. A loading/unloading (L/UL) space (3.5m (W) X 7m (L)) for light goods vehicle will be provided at the Site. The applicant also applies for filling of land for the entire site with concrete of not more than 0.2m in depth for erection of structures and provision of loading/unloading (L/UL) space and circulation area. The operation hours of the proposed use 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. Warning signs will be installed to prevent illegal parking, and staff will be deployed at the ingress/egress of the Site to enhance pedestrian and road safety. Medium/heavy goods

vehicles, including container tractors/trailers will be prohibited to be parked/stored on or enter/exit the Site, and no vehicle without valid licence will be allowed to be parked/stored at the Site. No open storage, workshop activities and storage of dangerous goods will be carried out at the Site. The applicant has also submitted a geotechnical planning review report (GPRR) 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 4.6.2026 (Appendix I)
- (b) Further Information (FI) received on 14.7.2026* (Appendix Ia)
- (c) FI received on 24.8.2026* (Appendix Ib)

**accepted and exempted from the publication and recounting requirements*

1.5 On 24.7.2026, 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 FIs at **Appendices I to Ib**, as summarised below:

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

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.

4. **Background**

- 4.1 The Site is currently not subject to any active planning enforcement action.
- 4.2 The Site was the subject of a planning enforcement case (No. E/NE-MUP/153) against an unauthorized development (UD) involving storage use (**Plan A-2**). An Enforcement Notice was issued on 22.8.2024. Subsequent site visit inspection revealed that the UD was discontinued. The Compliance Notice was issued on 21.2.2025.

5. **Previous Application**

- 5.1 The Site is the subject of a previous application (No. A/NE-MUP/80) submitted by a different applicant for proposed filling of land for temporary public vehicle park, which was rejected by the Committee on 23.11.2012. The planning considerations of the previous application are not applicable to the current application which involves a different use.
- 5.2 Details of the previous application are summarised at **Appendix II** and its location is shown on **Plan A-1**.

6. **Similar Applications**

- 6.1 There are five similar applications (No. A/NE-MUP/194, 208, 218, 227 and 233) for temporary warehouse with or without associated land filling for a period of three years 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 2024 and 2026 mainly on the considerations that there were no major adverse departmental comments or the concerns of relevant government departments could be addressed through imposition 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) largely vacant and covered with grass; and
 - (b) accessible via a local access road leading to Sha Tau Kok Road – Wo Hang.
- 7.2 The surrounding areas are of rural character mainly comprising storage yards, workshops, residential dwellings and fallow/active agricultural land. To the immediate and further north are residential dwellings and vegetated area with some graves zoned “Green Belt” (“GB”) respectively. To the immediate east is a pond. Some storage and workshop uses are located to its further southeast. The village cluster of Man Uk Pin is located to the further northeast.

8. **Planning Intention**

- 8.1 The planning intention of the “AGR” zone is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land within the “AGR” zone may cause adverse drainage and environmental impacts on the adjacent areas, permission from the Board is required for such activities.

9. **Comments from Relevant Government Departments**

- 9.1 Apart from the government 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 the recommended advisory clauses are provided at **Appendices IV** and **V** respectively.
- 9.2 The following government departments have adverse comment or do not support the application:

Land Administration

- 9.2.1 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 Lot 207 in D.D. 38 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) the following irregularities covered by the subject planning application have been detected by his office:

unauthorised structure(s) within the said private lot covered by the planning application

there is unauthorised structure on the private lot. The lot owner should immediately rectify/regularise the lease breaches and his office reserves the rights to take necessary enforcement action against the breaches without further notice;

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

unlawful occupation of GL not covered by the planning application

the GL adjoining the said private lot has been fenced off/illegally occupied 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;

- (e) the lot owner/applicant shall either (i) remove the fencing and cease the illegal occupation of the GL not covered by the application immediately; or (ii) include the adjoining GL being illegally occupied in the planning application for 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) and/or a Short Term Tenancy (STT) to permit the structure(s) erected/to be erected and the occupation of GL. The application for STW and/or 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, if approved, will be on whole lot basis. The STW/STT, if approved, will be subject to such terms and conditions including the payment of back-dated waiver fee/rent and administrative fee as considered appropriate to be imposed by LandsD, given the proposed use is temporary in nature, only erection of temporary structures will be considered. In addition, LandsD reserves the right to take enforcement action against the lot owner 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;
- (f) unless and until the unauthorised structure(s) and the unlawful occupation of GL are duly rectified by the lot owner/applicant, his office's adverse comment on the application must be brought to the attention of the Board when they consider the application; and
- (g) his advisory comments are at **Appendix V**.

Agriculture and Nature Conservation

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

Agriculture

- (a) the Site falls within the "AGR" zone and is generally abandoned. 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;

Nature Conservation

- (b) he has no adverse comment on the application from nature conservation perspective; and
- (c) his advisory comments are at **Appendix V**.

9.3 The following government departments provide views on the application:

Traffic

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

- (a) she has no comment on the application;
- (b) taking into consideration the road safety and road management, approval condition on implementation of traffic management measures as proposed by the applicant is suggested. Also, the implemented traffic management measures should be maintained during the planning approval period; and
- (c) her advisory comments are at **Appendix V**.

Geotechnical

9.3.2 Comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD):

- (a) it is noted that the applicant has committed in the GPRR to undertake a natural terrain hazard study (NTHS) and to implement mitigation measures, if necessary, as part of the proposed use. Therefore, he has no geotechnical comment on the GPRR submitted by the applicant for the application; and
- (b) should the application be approved, approval conditions on the submission of a NTHS and the implementation of the mitigation measures recommended therein are required.

10. Public Comments Received During Statutory Publication Period

On 12.6.2026, the application was published for public inspection. During the statutory public inspection period, five public comments were received (**Appendix VI**). Four comments from the Indigenous Inhabitant Representative of Man Uk Pin, a local resident and an individual object to the application mainly on the grounds that the proposed use will induce adverse traffic and environmental impacts, and will cause nuisance and safety concern to the villagers; the Site is close to a “GB” zone; and the Site is the subject of a previously rejected application. 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 warehouse (excluding dangerous goods godown) with ancillary facilities and associated filling of land for a period of three years at the Site falling within an area zoned “AGR” on the OZP (**Plan A-1**). The proposed 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 proposed use with associated filling of land on a temporary basis of three years.
- 11.2 The application involves proposed filling of land for the entire site with concrete of not more than 0.2m in depth for erection of structures and provision of L/UL space and circulation area. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department and Director of Environmental Protection have no objection to the application from public drainage and environmental perspectives respectively. As the Site is zoned “AGR”, an approval condition requiring the reinstatement of the Site upon expiry of the planning permission so as to uphold the planning intention of the “AGR” zone and restore the greenery of the area is recommended should the Committee decide to approve the application.
- 11.3 The surrounding area of the Site is rural in character mainly comprising storage yards, workshops, residential dwellings and fallow/active agricultural land. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from the landscape planning perspective, and considers that the proposed use is not entirely incompatible with the surrounding environment and significant adverse landscape impact arising from the application is not anticipated.
- 11.4 Other 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 implementation and maintenance of traffic management measures as proposed by the applicant, taking into consideration the road safety and road management. While H(GEO), CEDD has no geotechnical comment on the application, the approval conditions on the submission of a NTHS and the implementation of the mitigation measures recommended therein should be included. To address the technical requirements of the 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 environmental mitigation measures as set out in the ‘COP’ to minimise any possible environmental nuisance. Regarding DLO/N, LandsD’s concerns on the unauthorised structures erected within 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.
- 11.5 There are five similar approved applications for temporary warehouse with or without associated land filling within the “AGR” zone in the vicinity of the Site in the past five years as mentioned in paragraph 6.1 above. The planning circumstances of the current application are largely similar to those of the similar applications. Approval of the current application is in line with the Committee’s previous decisions.
- 11.6 Regarding the public comments as detailed in paragraph 10, the government departments’ comments and planning assessments above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comments in paragraph 10 above, PlanD has no objection to the application.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 23.10.2029. 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 23.4.2027;
- (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 23.7.2027;
- (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 23.4.2027;
- (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 23.7.2027;
- (f) the implementation of 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 23.7.2027;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) the submission of a natural terrain hazard study within 6 months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by 23.4.2027;
- (i) in relation to (h) above, the implementation of the geotechnical works identified in the natural terrain hazard study within 9 months from the date of planning approval to the satisfaction of the Head of the Geotechnical Engineering Office of Civil Engineering and Development Department or of the Town Planning Board by 23.7.2027;
- (j) 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;

- (k) if any of the above planning condition (a), (b), (d), (e), (f), (h) or (i) 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
- (l) upon the expiry of the planning permission, the reinstatement of the Site, including the removal of fill materials and hard paving, and grassing of the Site to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

the proposed use with associated filling of land is not in line with the planning intention of the "AGR" zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 13.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.

14. Attachments

Appendix I	Application Form with attachments received on 4.6.2026
Appendix Ia	FI received on 14.7.2026
Appendix Ib	FI received on 24.8.2026
Appendix II	Previous Application
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 Photos
Plans A-4a and A-4b	Site Photos

**PLANNING DEPARTMENT
OCTOBER 2026**