

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/265

<u>Applicant</u>	: M&D Planning and Surveyors Consultant Limited
<u>Site</u>	: Lots 140 (Part) and 142 (Part) in D.D. 52 and Adjoining Government Land (GL), Fu Tei Au, Sheung Shui, New Territories
<u>Site Area</u>	: About 2,170m ² (includes GL of about 136m ² or about 6% of the Site)
<u>Lease</u>	: Block Government Lease (demised for agricultural use)
<u>Plan</u>	: Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
<u>Zoning</u>	: “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”)
<u>Application</u>	: Proposed Temporary Rural Workshop (Food Waste Processing Centre) with Ancillary Facilities for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary rural workshop (food waste processing centre) with ancillary facilities for a period of three years at the application site (the Site) (**Plan A-1**) falling within an area zoned “OU(PBU)” on the OZP. According to the 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 fenced-off, hard-paved and generally occupied by containers, construction materials and other miscellaneous items (**Plans A-4a** and **4b**).
- 1.2 The Site is accessible via a local track leading to Man Kam To Road (**Plan A-1**). According to the applicant, the proposed use, which has a total floor area of about 1,227m², consists of two 8m-high open-air shed structures for food waste processing and food waste temporary storage areas and two one-storey temporary structures with building heights ranging from 2.6m to 3m for ancillary office, traffic warden room and toilet. Three parking spaces for private car (5m (L) x 2.5m (W) each) and three parking and loading/unloading spaces for heavy goods vehicle (HGV) (11m (L) x 3.5m (W) each) are proposed within the Site. An ingress/egress with 7.5m in width and two ingresses/egresses each with 6m in width for private car and HGV respectively are proposed at the eastern boundary of the Site. The proposed operation hours are between 9:00 a.m. and 6:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.

- 1.3 According to the traffic management measures proposed by the applicant, sufficient manoeuvring space will be provided within the Site and no vehicle will queue back on the local road; warning signs will be installed at the ingresses/egresses; and staff will be deployed to manage the traffic and ensure the safety of pedestrians. In terms of sewage treatment, the sewage will be collected at the septic tank which is proposed to be tankered away regularly by dedicated sewage pumping contractor.
- 1.4 In support of the application, the applicant has submitted the following documents:
- (a) Application Form with attachments received on 27.8.2025 (Appendix I)
 - (b) Further Information (FI) received on 9.10.2025* (Appendix Ia)

** 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 FI at **Appendices I** and **Ia**, as summarised below:

- (a) the proposed use is considered in line with the planning intention of the “OU(PBU)” zone;
- (b) the Site falls within Category 1 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, which are areas considered suitable for open storage and port back-up uses;
- (c) the Site is far away from residential clusters and ecological sensitive receivers, and the proposed use is not incompatible with the surrounding land uses predominantly occupied by open storage yards and warehouses;
- (d) the applicant intends to collaborate with the Hong Kong Productivity Council to introduce advanced treatment technology for processing food waste collected from schools, organisations, commercial and industrial sources, before delivering the treated food waste to centralised food recovery facilities such as O·PARK1 for converting into renewable energy;
- (e) the proposed use aligns with the Government’s “Waste Blueprint for Hong Kong 2023” to achieve “zero landfill” through food waste recycling;
- (f) the proposed use would optimise the use of land resources, drive economic activities and bring job opportunities; and
- (g) no adverse traffic, environmental and drainage impacts are anticipated. The treatment facilities will be air-tight and under real-time monitoring to ensure no pollution or release of harmful substances. Should the application be approved, the applicant will provide fire service installations to ensure compliance with relevant fire safety requirements.

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 a notice to Sheung Shui District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the “Owner’s Consent / Notification” Requirements are not applicable.

4. Background

The Site is not subject to any active enforcement action.

5. Previous Applications

5.1 Part of the Site or the Site is the subject of three previous applications (No. A/NE-FTA/143, 209 and 256) submitted by different applicants for open storage uses, which were all approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 2014 and 2024. Their considerations are not applicable to the current application which involves a different use. The latest planning permission (No. A/NE-FTA/256) for container storage and repair yard is valid until 6.12.2027.

5.2 Details of the previous applications are summarised at **Appendix II** and their locations are shown in **Plan A-1**.

6. Similar Application

There is no similar application for rural workshop within the same “OU(PBU)” zone on the OZP in the past five years.

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

7.1 The Site is:

- (a) fenced-off, hard-paved and generally occupied by containers, construction materials and other miscellaneous items;
- (b) sandwiched between two sites covered by valid planning permissions (No. A/NE-FTA/231 and 239) for warehouse and vehicle repair workshop uses; and
- (c) accessible via a local track leading to Man Kam To Road.

7.2 The surrounding areas are rural in character intermixed with open storage yards, storages, temporary structures/domestics structures, fallow agricultural land, vacant land, tree clusters and a temple. A watercourse falls within the northern portion of the Site, while another watercourse runs along the eastern boundary of the Site.

8. Planning Intention

The planning intention of the “OU(PBU)” zone is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses.

9. Comments from Relevant Government Departments

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments are provided at **Appendices III** and **IV** 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), Lands Department (DLO(N)):

- (a) he has adverse comment on the application;
- (b) the Site comprises GL and Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The proposed ingress/egress of the Site is required to pass through GL but no right of access via GL is granted to the Site;
- (c) the following irregularity covered by the subject planning application has been detected by his office:

Unlawful occupation of GL adjoining the said private lots covered by the planning application

the GL within the Site (about 136m² as mentioned in the Application Form) has been fenced off without any permission. Any occupation of GL without Government's prior approval is an offence under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) (the LMP Ordinance). His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

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

Unauthorised structure within the said private lot not covered by the planning application

there is unauthorised structure within Lot 140 in D.D. 52 not covered by the subject planning application. The lot owners should immediately rectify the lease breaches and his office reserves the rights to take necessary lease enforcement action against the breaches without further notice; and

(ii) Unlawful occupation of GL not covered by the planning application

the GL adjoining the Site has been illegally occupied without any 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 the LMP Ordinance. His office reserves the rights to take necessary land control action against the illegal occupation of GL without further notice;

- (e) the lot owner shall either remove the unauthorised structure and cease the illegal occupation of the GL not covered by the subject planning application immediately; or include the unauthorised structures and the adjoining GL being illegally occupied in the subject planning application for further consideration by relevant government 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 Short Term Waiver (STW) and Short Term Tenancy (STT) to permit the structures erected/to be erected and the occupation of the 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 on the whole lot basis and subject to such terms and conditions including the payment of back-dated waiver fee/rent from the first date when the unauthorised structure was erected and the occupation of GL was detected as well as administrative fee as considered appropriate to be imposed by LandsD. In addition, LandsD reserves the right to take enforcement action against the lot owners for any breach of the lease conditions, including the breaches 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) unless and until the unauthorised structures and the unlawful occupation of GL not covered by the subject planning application are duly rectified by the lot owners or entirely included in the subject planning application, his office has adverse comment on the application and it must be brought to the attention of the Board when the application is being considered.

10. Public Comment Received During Statutory Publication Period

On 5.9.2025, the application was published for public inspection. During the statutory public inspection period, one public comment was received from a member of North District Council indicating no comment on the application (**Appendix V**).

11. Planning Considerations and Assessments

- 11.1 The application is for proposed temporary rural workshop (food waste processing centre) with ancillary facilities for a period of three years at the Site zoned "OU(PBU)" on the OZP (**Plan A-1**). The proposed use is not in line with the planning intention of the "OU(PBU)" zone. According to the applicant, the Site, located in a rural area predominantly

occupied by open storage yards and warehouses with no major residential clusters nearby, is a suitable location for the proposed use, which could serve the genuine need of food waste processing facilities in the territory. Taking into account the planning assessments below, there is no objection to the proposed use on a temporary basis of three years.

- 11.2 The Site, currently fenced-off, hard-paved and generally occupied by containers, construction materials and other miscellaneous items, is situated in an area of rural character intermixed with open storage yards, storages, temporary structures/domestic structures, fallow agricultural land, vacant land, tree clusters and a temple (**Plans A-2 to A-4b**). The Site is sandwiched between two sites covered by valid planning permissions (No. A/NE-FTA/231 and 239) for warehouse and vehicle repair workshop uses (**Plan A-2**). The proposed use is considered not incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) advises that no significant landscape impact arising from the proposed use is anticipated.
- 11.3 Other concerned government departments consulted, including the Commissioner for Transport, Director for Environmental Protection, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services, have no objection to or no adverse comment on the application. To address the technical requirements of concerned government departments, appropriate 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' issued by the Environmental Protection Department and to provide sewerage facilities in accordance with ProPECC PN 1/23 to minimise the possible environmental nuisance on the surrounding areas. In view that the Site is adjacent to two watercourses, the applicant will also be advised to follow good site practice and avoid causing adverse impact on the watercourses as set out in the Recommended Advisory Clauses in **Appendix IV**. Regarding DLO/N, LandsD's concern on the unauthorised structures 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.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the public comment 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 24.10.2028. 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 24.4.2026;
- (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 24.7.2026;

- (c) in relation to (b) above, the implemented drainage facilities should 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 24.4.2026;
- (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 24.7.2026;
- (f) if the above planning condition (c) 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
- (g) if any of the above planning condition (a), (b), (d) or (e) 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 "OU(PBU)" zone which is primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. There is no strong planning justification in the submission for a departure from such 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 27.8.2025
Appendix Ia	FI received on 9.10.2025
Appendix II	Previous Applications
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses

Appendix V	Public Comment
Drawing A-1	Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a and A-4b	Site Photos

PLANNING DEPARTMENT
OCTOBER 2025