

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/268

<u>Applicant</u>	: M&D Planning and Surveyors Consultant Limited
<u>Site</u>	: Lots 200, 203 RP, 204, 216, 225 S.A, 225 RP, 226 RP and 227 RP in D.D. 52 and Adjoining Government Land (GL), Fu Tei Au, Sheung Shui, New Territories
<u>Site Area</u>	: About 3,870m ² (includes GL of about 77m ² or about 2% 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>	: “Agriculture” (“AGR”)
<u>Application</u>	: Proposed Temporary Cargo Handling and Forwarding Facility and Associated Filling of Land for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary cargo handling and forwarding facility and associated filling of land for a period of three years at the application site (the Site) (**Plan A-1**) falling within an area zoned “AGR” 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). Filling of land within the “AGR” zone also requires planning permission from the Board. The Site is largely fenced-off, currently partly hard-paved, partly vegetated and generally vacant with parking of some vehicles (**Plans A-4a to A-4c**).
- 1.2 According to the applicant, the application is submitted to facilitate the relocation of an existing brownfield operation in Fanling North being affected by government project, i.e. the Fanling North New Development Area (FLN NDA)¹. The affected operation involves a site area of about 2,300m² as claimed by the applicant and is currently used for cargo handling and forwarding facility, which is the same as the proposed use. The affected land in Fanling North has been resumed by the Government.

¹ The applicant is authorised by 聯發貿易運輸公司 (an associated company of 安宏物流有限公司) to submit the current application. Both of them are the affected brownfield operators. The applicant undertakes that the Site will be utilised by 聯發貿易運輸公司 upon approval of the planning application.

- 1.3 The Site is abutting a local track to the immediate north leading to Man Kam To Road (**Plans A-1 and A-2**). According to the applicant, the proposed use, which has a total covered/floor area of about 936m² (about 24% of the Site), consists of two one-storey temporary structures with building height (BH) of 6m for warehouse and four one-storey temporary structures with BHs ranging from 2.6m to 3m for ancillary office, toilet, traffic warden room, meter room and store room. The remaining area (about 76% of the Site) is designated for provision of a total of 14 vehicle spaces (i.e. six private car parking spaces (5m (L) x 2.5m (W) each); five light goods vehicle parking spaces and loading/unloading (L/UL) bays (7m (L) x 3.5m (W) each); and three heavy goods vehicle parking spaces and L/UL bays (11m (L) x 3.5m (W) each)), open storage area and circulation space. Two separate ingress/egress points, each with 8m wide, are proposed at the northern 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**.
- 1.4 According to the traffic management measures proposed by the applicant, sufficient manoeuvring space and buffer parking spaces will be provided within the Site and no vehicle will queue back onto the local road; warning signs will be installed and staff will be deployed to manage traffic, ensuring pedestrian safety and preventing illegal parking. A drainage proposal (**Drawing A-2**) with provision of U-channels and catchpits along the site boundaries as well as a fire service installations proposal (**Drawing A-3**) are submitted by the applicant in support of the application. According to the environmental mitigation measures proposed by the applicant, the warehouses will be enclosed and the goods in the open storage area will be covered by canvas to minimise dust impacts; and a 2.5m high solid boundary fence will be erected, with soundproofing material specifically at the southwestern portion, to minimise noise nuisance to the surrounding area. In terms of sewage treatment, the applicant proposes to provide two septic tanks and soakaway system to collect the sewage generated from the proposed use. Noting that no old and valuable trees or protected species are identified within the Site, the applicant proposes to retain an existing *Bombax spp* (木棉), while the remaining trees of common species will be felled. As the ground level of the Site varies from +9.5mPD in the southwestern portion to +13mPD in the northeastern portion (**Plan A-2**), the applicant also applies for filling of the entire site, apart from the planting area of the *Bombax spp* (about 2m x 2m), with concrete with depths ranging from 0.3m to 3m for site formation (**Drawing A-4**).
- 1.5 In support of the application, the applicant has submitted the following documents:
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|-----|--|------------------------|
| (a) | Application Form with attachments received on 9.9.2025 | (Appendix I) |
| (b) | Further Information (FI) received on 19.9.2025* | (Appendix Ia) |
| (c) | FI received on 24.10.2025* | (Appendix Ib) |
| (d) | FI received on 27.10.2025* | (Appendix Ic) |
| (e) | FI received on 30.10.2025* | (Appendix Id) |
| (f) | FI received on 4.11.2025* | (Appendix Ie) |

** 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 Ie**, as summarised below:

- (a) the application is submitted to facilitate the relocation of an existing business operation affected by FLN NDA. As the relocation involves huge expenses and the existing operational space is insufficient, the applicant is seeking for a larger site to meet long-term development needs;
- (b) the Site, located in close proximity to the Man Kam To Boundary Control Point, is a suitable location for the proposed use, which would optimise the use of land resources, drive economic activities and bring job opportunities;
- (c) while the Site falls within Category 3 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), the proposed use is temporary in nature and approval of the application would not frustrate the long-term planning intention of the “AGR” zone;
- (d) the proposed use is not incompatible with the surrounding land uses and the area to the immediate north of the Site zoned “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”), which are predominantly occupied by warehouses, open storage yards, rural workshops, vacant land and tree clusters. Furthermore, there are approved applications (No. A/NE-FTA/236² and 249) for logistics warehouse and cargo handling and forwarding facility in the vicinity of the Site (**Plan A-1**);
- (e) according to preliminary technical assessments, no adverse drainage, traffic, visual, landscape and environmental impacts are anticipated. Should the application be approved, the applicant is committed to comply with all environmental protection requirements to alleviate possible adverse impacts and nuisance to the surrounding areas; and implement tree protection and traffic management measures as well as drainage and fire service installations proposals; and
- (f) the applicant will submit application for Short Term Waiver to the Lands Department (LandsD) upon approval of the planning application.

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. Town Planning Board Guidelines

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to this application. The Site falls within Category 3 areas under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

² The planning permission under application No. A/NE-FTA/236 was revoked on 26.7.2025 due to non-compliance with approval conditions. The site is currently covered by a valid planning permission (application No. A/NE-FTA/266) for the same use.

5. **Background**

Part of the Site (Lot 216 in D.D. 52) is subject to a planning enforcement case (No. E/NE-FTA/211) against an unauthorized development involving storage use and parking of vehicles (**Plan A-2**). Reinstatement Notice (RN) was issued on 8.9.2025 requiring reinstatement of the concerned land by 8.12.2025. If the RN is not complied with, prosecution action would be considered by the Planning Authority.

6. **Previous Application**

- 6.1 Part of the Site is the subject of a previous application (No. A/NE-FTA/142) submitted by a different applicant for open storage use, which was rejected by the Board on review on 15.8.2014. Its considerations are not applicable to the current application which involves a different use.
- 6.2 Details of the previous application are summarised at **Appendix III** and its location is shown in **Plan A-1**.

7. **Similar Application**

There is no similar application for cargo handling and forwarding facility within the same “AGR” zone on the OZP in the past five years.

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

- 8.1 The Site is:
 - (a) largely fenced-off, currently partly hard-paved, partly vegetated and generally vacant with parking of some vehicles; and
 - (b) accessible via a local track leading to Man Kam To Road.
- 8.2 The surrounding areas are rural in character intermixed with open storage yards, storages, logistics warehouses, temporary structures, domestic structures/village houses, active/fallow agricultural land, vacant land and tree clusters. To the immediate north of the Site across a local track is a temporary logistics warehouse with valid planning permission under application No. A/NE-FTA/266, which falls within an area zoned “OU(PBU)”. Domestic structures can be found in the vicinity with the nearest located to the immediate south of the Site. To the further south of the Site across a nullah is the village proper of Wa Shan zoned “Village Type Development”.

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 for “AGR” zone, as filling of land 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 Bureau/Departments

- 10.1 Apart from the government bureau/departments as set out in paragraphs 10.2 and 10.3 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 IV** and **V** respectively.

- 10.2 The following government bureau supports the application:

Policy Aspect

- 10.2.1 Comments of the Secretary for Development (SDEV):

- (a) the application is to facilitate relocation of brownfield operations, which will be affected by the Remaining Phase development of the FLN NDA. According to the applicant, the Site under the current application is considered suitable for relocation; and
- (b) subject to concerned government departments’ comments on land use compatibility and technical aspects, the application is supported from the policy perspective.

- 10.3 The following government departments do not support the application:

Agriculture

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

- (a) he does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation; and
- (b) 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 and plant nurseries, etc.

Environment

- 10.3.2 Comments of the Director of Environmental Protection (DEP):

- (a) he is unable to lend support to the application from environmental planning perspective as the proposed use involves the use of heavy vehicles and domestic structures are located within 100m from the site boundary (**Plan A-2**);
- (b) he has no particular comment on the proposed filling of land from environmental perspective;

- (c) there was one substantiated environmental complaint pertaining to the Site received in the past three years, which was related to fly-tipping of construction and demolition (C&D) waste on Lots 225 S.A, 225 RP, 226 RP and 227 RP in D.D. 52 received in December 2024. The complainant witnessed that some C&D waste being deposited from a dump truck at the Site. The intended Administratrix of the estate of the landowner confirmed that she did not grant permission to any person to deposit waste at the Site. Prosecution action against the driver of the dump truck and the agent has been taken under the Waste Disposal Ordinance (Cap. 354); and
- (d) should the application be approved, the applicant should note his advisory comments in **Appendix V**.

11. Public Comments Received During Statutory Publication Period

On 16.9.2025, the application was published for public inspection. During the statutory public inspection period, three public comments were received (**Appendix VI**). Two comments from two individuals object to the application mainly on the grounds that the Site falls within Category 3 areas under TPB PG-No. 13G and there is no justification for approval of the application as sufficient land has been reserved to accommodate the logistics industry; no authorisation has been given to the applicant by relevant land owner for using the Site for the proposed use; and the Sheung Shui District Rural Committee has not received any notification from the applicant. The remaining comment from a member of North District Council indicates no comment on the application.

12. Planning Considerations and Assessments

- 12.1 The application is for proposed temporary cargo handling and forwarding facility and associated filling of land for a period of three years at the Site 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. According to the applicant, the application is to facilitate relocation of the existing brownfield operations in FLN NDA. In this regard, SDEV supports the application from the policy perspective. Taking into account the planning assessments below and with the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis for a period of three years.
- 12.2 The Site, largely fenced-off, currently partly hard-paved and partly vegetated, is generally vacant with parking of some vehicles, situated in an area of rural character intermixed with open storage yards, storages, logistics warehouses, temporary structures, domestic structures/village houses, active/fallow agricultural land, vacant land and tree clusters (**Plans A-2 to A-4c**). To the north across a local track is a cluster of brownfield operations in an area zoned “OU(PBU)” with valid planning permissions. The proposed use is considered not entirely incompatible with the surrounding land uses. Noting that significant adverse impact on existing landscape resources within the Site is not anticipated, the Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comment on the application from landscape planning perspective.
- 12.3 The application involves filling of the entire site, apart from the planting area of the *Bombax spp*, with concrete with depths ranging from 0.3m to 3m for site formation purpose (**Drawing A-4**). Filling of land within the “AGR” zone requires planning

permission from the Board as it may cause adverse drainage and environmental impacts on the surrounding areas. In this regard, the Chief Engineer/Mainland North of Drainage Services Department has no objection to the application from public drainage perspective, while DEP has no particular comment on the proposed filling of land from environmental perspective. 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.

- 12.4 DEP is unable to lend support to the application as the proposed use involves the use of heavy vehicles and environmental nuisance on the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (**Plan A-2**). In this regard, the applicant proposes various environmental mitigation measures including provision of enclosed warehouse structures, boundary fencing with soundproofing material to minimise dust impacts and noise nuisance. While part of the Site was the subject of a substantiated environmental complaint concerning construction dust and fly-tipping in the past three years, it was related to previous activities and the concerned area is currently vacant and overgrown with weeds. Should the application be approved, the applicant will be advised to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ to minimise the possible environmental nuisance on the surrounding areas.
- 12.5 Other concerned government departments consulted, including the Commissioner for Transport 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 13.2 below. Regarding the District Lands Officer/North, LandsD’s concern on the unauthorised structure, the applicant will be advised to liaise with LandsD on these land administration matters should the Committee approve the application.
- 12.6 The Site falls within Category 3 areas under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that policy support is rendered by SDEV to the application for relocation of the affected use to the Site, no major adverse departmental comments have been received on the application and the concerns of the relevant government departments can be addressed through implementation of approval conditions.
- 12.7 Regarding the public comments mentioned in paragraph 11 above, the government bureau/departments’ comments and the planning assessments above are relevant. For the public comment expressing that the applicant had not been authorised by the land owner(s) to submit the application, the applicant has complied with the requirements as set out in TPB PG-No. 31B. Nonetheless, should the application be approved, the applicant will be advised to resolve any land issues relating to the development with the concerned owner(s) of the Site.

13. Planning Department’s Views

- 13.1 Based on the assessments made in paragraph 12 and having taken into account the public comments mentioned in paragraph 11 above, PlanD 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 7.11.2028.

The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the submission of a revised 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 7.5.2026;
- (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 7.8.2026;
- (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 revised 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 7.5.2026;
- (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 7.8.2026;
- (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;
- (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; and
- (h) 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**.

- 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 attachment received on 9.9.2025
Appendix Ia	FI received on 19.9.2025
Appendix Ib	FI received on 24.10.2025
Appendix Ic	FI received on 27.10.2025
Appendix Id	FI received on 30.10.2025
Appendix Ie	FI received on 4.11.2025
Appendix II	Relevant Extracts of TPB Guidelines No. TPB PG-No. 13G
Appendix III	Previous Application
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Layout Plan
Drawing A-3	Fire Service Installations Proposal
Drawing A-4	Filling of Land Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4c	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2025**