

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/272

- Applicants** : Messrs LIU Tak Sun and LIU Loi Hei (Managers of Liu Hu Pak Tso) represented by M&D Planning and Construction Consultant Limited
- Site** : Lot 183 RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui, New Territories
- Site Area** : About 724m²
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Fu Tei Au & Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18
- Zonings** : (i) “Other Specified Uses” annotated “Port Back-up Uses” (“OU(PBU)”) (about 92% of the Site or 666m²)
- (ii) “Agriculture” (“AGR”) (about 8% of the Site or 58m²)
- Application** : Temporary Cargo Handling and Forwarding Facility for a Period of Three Years

1. The Proposal

- 1.1 The applicants seek planning permission for temporary cargo handling and forwarding facility for a period of three years at the application site (the Site) falling within an area largely zoned “OU(PBU)” with a minor portion zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP, ‘Cargo Handling and Forwarding Facilities’, which is a Column 2 use, in the “OU(PBU)” zone and temporary use or development of any land or building not exceeding a period of three years within the “AGR” zone require planning permission from the Town Planning Board (the Board). The Site is hard-paved¹, partly fenced off, and currently used for the applied use without valid planning permission (**Plan A-4**).
- 1.2 The Site is accessible from its south via a local track leading to Man Kam To Road (**Plan A-1**). According to the applicants, the applied use consists of a two-storey temporary structure with a building height (BH) of not more than 12m and a total floor area of about 948m² for storage of furniture and household products, site office, meter room, traffic warden room, toilets and staff rest room. Two parking cum loading/unloading (L/UL) spaces for light goods vehicles (LGVs) will be provided at the

¹ According to record, the minor portion of the Site zoned “AGR” has been hard-paved before the date of imposing a land filling clause pertaining to the zone under the draft Fu Tei Au & Sha Ling OZP No. S/NE-FTA/8 gazetted on 29.4.2005.

Site. A 6m wide ingress/egress is proposed at the southern boundary of the Site. The operation hours are between 10:00 a.m. and 4:00 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. No vehicles exceeding 5.5 tonnes will be allowed to enter the Site at any time during the planning approval period. A fencing/mesh wall of 2.5m in height will be provided along the site boundary. A 2m wide free access will be reserved along the southern boundary of the Site for the Water Supplies Department to carry out the inspection, maintenance and repair works for the water mains. The floor plans and section plan submitted by the applicants are shown in **Drawings A-1** and **A-2** respectively.

- 1.3 According to the traffic management measures proposed by the applicants, staff will be deployed to manage traffic and parking arrangements; ‘No Stopping’ road signs would be provided near the ingress/egress of the Site; vehicles over 5.5 tones are not allowed to enter the Site; and sufficient manoeuvring space will be provided within the Site to ensure no vehicles will queue back on the local road. According to the drainage plan submitted by the applicants, the proposed drainage system comprises U-channels and catchpits along the site boundaries. The proposed drainage plan submitted by the applicants is shown in **Drawing A-3**.
- 1.4 The Site is the subject of 11 previous applications for various port back-up uses, all of which were approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board between 1999 and 2024 (details at paragraph 6 below). The last previous application (No. A/NE-FTA/249) submitted by the same applicants for the same use, covering the same site area as the current application, was approved by the Committee in 2024. Compared with the last previous application, the current application mainly involves revision to the development layout with increases in total floor area and BH. A comparison of the major development parameters of the current application and the last previous application (No. A/NE-FTA/249) is summarised as follows:

Major Development Parameters	Approved Scheme under Application No. A/NE-FTA/249 (a)	Proposed Scheme under Current Application (b)	Differences (b) - (a)
Site Area (about)	724m ²	724m ²	No change
No. of Structures	3	1	-2 (-67%)
Total Floor Area (about)	599m ²	948m ²	+349m ² (+58%)
BH	5.2m	12m	+6.8m (+131%)
No. of Storey	1 to 2 storeys	1 to 2 storeys	No change
No. of Parking Space for Private Car	1	-	-1 (-100%)
No. of Parking Space or L/UL Space for LGV	2	2	No change

- 1.5 In support of the application, the applicants have submitted the following documents:

(a) Application Form with attachments received on 21.1.2026 **(Appendix I)**

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| (b) | Supplementary Information (SI) received on 26.1.2026 | (Appendix Ia) |
| (c) | Further Information (FI) received on 6.2.2026* | (Appendix Ib) |
| (d) | FI received on 9.2.2026* | (Appendix Ic) |
| (e) | FI received on 5.3.2026* | (Appendix Id) |
| (f) | FI received on 9.3.2026* | (Appendix Ie) |

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

2. Justifications from the Applicants

The justifications put forth by the applicants in support of the application are detailed in the Application Form, SI and FIs at **Appendices I to Ie**, as summarised below:

- (a) the Site largely falls within an area zoned “OU(PBU)” and the applied use is in line with the planning intention of the “OU(PBU)” zone and compatible with the surrounding land uses;
- (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 (TPB PG-No. 13G). The applied use is considered in line with TPB PG-No. 13G;
- (c) the applied use can help cater for the demand for cross-boundary trade, and will optimise the use of land resources, drive economic activities and create job opportunities;
- (d) the Site is the subject of two previously approved applications (No. A/NE-FTA/194 and 227) for the same use covering a larger site area². Subsequently, as part of the site under those applications was resumed by the Government for the development of Kwu Tung North/Fanling North New Development Area (KTN/FLN NDA), the applicants had to pursue a scheme with a smaller site area by excluding the resumed land under application No. A/NE-FTA/249³. To allow for greater flexibility, the applicants submit the current application with a revised layout that includes additional floor space to meet the operational needs of their business; and
- (e) no adverse traffic, environmental and drainage impacts are anticipated. Should the application be approved, the applicants undertake to comply with the approval conditions in relation the submission and implementation of drainage and fire services installations (FSIs) proposals on-site.

3. Compliance with the “Owner’s Consent/Notification” Requirements

The applicants are one of the “current land owners”. In respect of the other “current land owner”, the applicants have 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 Sheung Shui District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection.

² The site of applications No. A/NE-FTA/194 and 227 is about 1,600m².

³ The concerned portion of the site has been resumed by the Government for the development of KTN/FLN NDA on 11.1.2024.

4. **Background**

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

5. **Town Planning Board Guidelines**

TPB PG-No. 13G promulgated on 14.4.2023 is relevant to this application. The Site largely falls within Category 1 areas (92%) within a minor portion falling within the Category 3 areas (8%)⁴ under TPB PG-No. 13G. Relevant extracts of the Guidelines are attached at **Appendix II**.

6. **Previous Applications**

6.1 The Site, in whole or in part, is the subject of 11 previous applications for various port back-up uses. Of which, 10 previous applications (No. A/NE-FTA/29, 44, 80, 99, 108, 113, 154, 167, 194 and 227⁵), covering a much larger site area, for container trailer park, goods distribution and storage or cargo handling and forwarding facility uses were all approved with conditions by the Committee between 1999 and 2023 mainly on the considerations that the applied use was generally in line with the then TPB PG-No. 13E/13F or the prevailing TPB PG-No. 13G, as well as the planning intention of the “OU(PBU)” zone; and it was not incompatible with the surrounding areas.

6.2 The last previous application (No. A/NE-FTA/249), covering the same site area, for the same use submitted by the same applicants as the current application was approved with conditions by the Committee in 2024 on similar considerations as detailed in paragraph 6.1 above. The planning permission was subsequently revoked on 6.12.2025 due to non-compliance with approval conditions relating to the submission and implementation of drainage and FSIs proposals. Compared with the last previous application, the current application mainly involves a revision to the development layout with the corresponding changes in major development parameters as detailed in paragraph 1.4 above.

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

7. **Similar Application**

There is no similar application for the same applied use within the same “OU(PBU)” and/or “AGR” zones in the vicinity of the Site in the past five years.

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

8.1 The Site is:

- (a) hard-paved, partly fenced-off and currently used for the applied use without valid planning permission; and

⁴ The “AGR” portion of the Site falls within Category 3 areas under TPB PG-No. 13G.

⁵ For previous applications No. A/NE-FTA/194 and 227 submitted by the same applicants as the current application, part of the application site was resumed by the Government for the development of KTN/FLN NDA, and was excluded in the last previous application (No. A/NE-FTA/249) and the current application (No. A/NE-FTA/272).

(b) accessible via a local track to its south leading to Man Kam To Road.

8.2 The surrounding areas are intermixed with warehouses, storage yards, domestic structures, active agricultural land, vacant land and tree clusters. A cluster of brownfield operations including a warehouse/logistic warehouse and an open storage yard with valid planning permissions under applications No. A/NE-FTA/252, 261 and 266 are located to the immediate east of the Site.

9. Planning Intention

9.1 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.

9.2 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.

10. Comments from Relevant Government Departments

10.1 Apart from the government department as set out in paragraph 10.2 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 IV** and **V** respectively.

10.2 The following government department does not support the application:

Agriculture

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 infrastructures such as road access and water source are available in the area. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

11. Public Comments Received During Statutory Publication Period

On 30.1.2026, the application was published for public inspection. During the statutory public inspection period, two public comments were received (**Appendix VI**). A comment from an individual objects to the application on the grounds that the Site is the subject of revoked previous applications. 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 temporary cargo handling and forwarding facility for a period of three years at the Site which is largely zoned “OU(PBU)” (about 92%) with a minor portion zoned “AGR” (about 8%) on the OZP (**Plan A-1**). While the applied use is generally in line with the planning intention of the “OU(PBU)” zone, it is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective. Nevertheless, taking into account the planning assessments below, there is no objection to the applied use on a temporary basis of three years.
- 12.2 The Site, which is hard-paved, partly fenced-off and currently used for the applied use without valid planning permission, is situated in an area of rural character intermixed with warehouses, open storages/storage yards, domestic structures, active agricultural land, vacant land and tree clusters (**Plans A-2 to A-4**). A cluster of brownfield operations including a warehouse/logistic warehouse and an open storage yard with valid planning permissions are located to the immediate east of the Site (**Plan A-2**). The applied use is considered not entirely incompatible with the surrounding land uses. The Chief Town Planner/Urban Design and Landscape of Planning Department (PlanD) has no adverse comments on the application from landscape planning perspective, and considers that significant adverse landscape impact arising from the applied use is not anticipated.
- 12.3 Concerned government departments consulted, including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department, Director of Environmental Protection 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. Should the application be approved, the applicants 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. As a portion of the Site is zoned “AGR”, an approval condition requiring the reinstatement of the “AGR” portion 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 The Site falls largely within Category 1 areas (about 92%) with a minor portion falling within Category 3 areas (about 8%) under the TPB PG-No. 13G. The application generally complies with the TPB PG-No. 13G in that the Site is the subject of previous planning approvals for back-up use; 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.
- 12.5 The Site is the subject of 11 previously approved applications for various port back-up uses (**Plan A-1**) as detailed in paragraph 6 above. The last approved application (No. A/NE-FTA/249), covering the same site area as the current application, was submitted by the same applicants for the same use. The planning permission was revoked on 6.12.2025 due to non-compliance with approval conditions. For the current application, the applicants have revised the development layout, with corresponding adjustments to major development parameters as detailed in paragraph 1.4 above, to better meet the operational need, and have also committed to submit and implement the drainage and FSIs proposals to the satisfaction of relevant government departments should the application be approved. In view of the above, sympathetic consideration may be given to the application. Should the Committee decide to approve the application, the applicants will be advised that

should they fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further applications.

- 12.6 Regarding the public comments as detailed in paragraph 11 above, the government departments' comments and the 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 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 13.3.2029. 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 13.9.2026;
- (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 13.12.2026;
- (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 13.9.2026;
- (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 13.12.2026;
- (f) the implementation of the traffic management measures, as proposed by the applicants, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 13.12.2026;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) 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;
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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 “AGR” portion 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 There is no strong planning reason to recommend rejection of the application.

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 applicants.

15. Attachments

Appendix I	Application Form with Attachment received on 21.1.2026
Appendix Ia	SI received on 26.1.2026
Appendix Ib	FI received on 6.2.2026
Appendix Ic	FI received on 9.2.2026
Appendix Id	FI received on 5.3.2026
Appendix Ie	FI received on 9.3.2026
Appendix II	Relevant Extracts of TPB PG-No. 13G
Appendix III	Previous Applications
Appendix IV	Government Departments’ General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Ground Floor Layout Plan
Drawing A-2	First Floor Layout and Section Plan
Drawing A-3	Drainage Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos