

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/206

<u>Applicant</u>	Kinform Timber Company Limited represented by M&D Planning and Surveyors Consultant Ltd.
<u>Site</u>	Lots 581 (Part), 582 (Part), 583 and 584 RP in D.D. 89 and Adjoining Government Land, Man Kam To Road, Sha Ling, New Territories
<u>Site Area</u>	About 4,164 m ² (including about 610m ² of Government land)
<u>Land Status</u>	(i) Block Government Lease (demised for agricultural use) (about 85.4% of the Site) (ii) Government land (about 14.6% of the Site)
<u>Plan</u>	Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16
<u>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Proposed Temporary Rural Workshop (Timber Yard and Sawmill) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for a proposed temporary rural workshop (timber yard and sawmill) for a period of three years (**Plan A-1**). The Site falls within an area zoned “AGR” on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “AGR” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently largely vacant.
- 1.2 Majority of the Site is the subject of a previous application No. A/NE-FTA/196 submitted by the same applicant for the same applied use approved with conditions by the Rural and New Town Planning Committee (the Committee) on 6.3.2020. The application was to facilitate the relocation of the applicant’s rural workshop displaced by the government-led Kwu Tung North New Development Area (KTN NDA) project with Development Bureau (DEVB)’s policy support. During the detailed design stage for the compliance of the relevant approval conditions as specified under the approved application, some amendments to the approved scheme under application No. A/NE-FTA/196 are required to meet the requirements of the relevant government departments without affecting the operation requirements of the

proposed workshop.

- 1.3 According to the applicant, the proposed temporary development comprises a 1-storey temporary main structure (Structure B) of about 12 m in height with a floor area of about 2,670 m² for storage of timber/ plywood with a sawmill workshop (Structure A) at the southern portion of the Site; and a 2-storey site office (Structure C) of about 5 m height with a total floor area of 118 m² at the northern portion of the Site. Two private parking spaces and one loading/unloading space for medium goods vehicles (MGV) would be provided (**Drawing A-1**). The operation hours of the Site are between 8:00 a.m. and 6:30 p.m. from Mondays to Saturdays. There would be no operation on Sundays and public holidays.
- 1.4 When compared with the previously approved application No. A/NE-FTA/196, the area of the Site has been increased from 3,516m² to 4,164m² (i.e. +648m² (+18.4%)) and the layout has been further refined with a slight increase in the total GFA from about 2,729m² to 2,788m² (i.e. +59m² (+2.2%)) (**Drawing A-1**). Other major development parameters including the building height and the location of the main structure remain unchanged.
- 1.5 In support of the application, the applicant has submitted the following documents:
 - (a) Application form received by the Board on 29.10.2021 (**Appendix I**)
 - (b) Supplementary Information received on 3.11.2021 (**Appendix Ia**)
 - (c) Further information received on 11.11.2021[^] (**Appendix Ib**)
 - (d) Further information received on 16.11.2021[^] (**Appendix Ic**)
 - (e) Further information received on 17.11.2021[^] (**Appendix Id**)
 - (f) Further information received on 24.11.2021[^] (**Appendix Ie**)

[^] *accepted and exempted from publication*

2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed in the planning statement at **Appendix I**. They can be summarised as follows:

- (a) during the detailed design stage, the applicant has liaised with the relevant government departments including Drainage Services Department (DSD), Transport Department (TD), Fire Services Department (FSD) and Environmental Protection Department (EPD) for the compliance of relevant approval conditions as specified under application No. A/NE-FTA/196. To facilitate a more desirable drainage provision for the Site, the adjoining government land along the northern, eastern and western boundaries of the Site have been included so that the alignment of the drainage channel can be provided in such a way for better maintenance and management purpose and to ensure meeting the requirements of DSD;
- (b) this application is to facilitate the relocation of the applicant's timber yard at Ma Tso Lung in KTN affected by the KTN NDA development and the applied use is the same as the affected business in Ma Tso Lung; and
- (c) the applicant has submitted a drainage proposal, proposals for environmental mitigation measures on aspects of air (e.g. adoption of dust collection system), noise

(e.g. entire structure made of 0.5mm thick Zinc metal sheet) and water quality (e.g. on-site drainage system designed according to ProPECC PN 5/93), proposals for traffic management measures (i.e. staff deployed to direct vehicle entering / exiting the Site) and fire service installations (FSIs) proposal in support of the current application. Relevant government departments including DSD, EPD, TD and FSD have no objection/adverse comment on the proposals as well as the current 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.31A) by obtaining consent from the land owners on 20.10.2021. Detailed information would be deposited at the meeting for Members’ inspection. For the government land portion within the Site, TPB PG-No.31A is not applicable.

4. Background

The Site is not the subject of any active enforcement case.

5. Previous Applications

- 5.1 The Site, in part or in whole, is involved in two previous planning applications. Application No. A/NE-FTA/145 for temporary lorries, container tractors and trailers park submitted by different applicant was rejected by the Committee in 2014 mainly on the grounds that the applicant fails to demonstrate that the development would have no adverse environmental, traffic and landscape impacts to the surrounding area.
- 5.2 The last application No. A/NE-FTA/196 submitted by the same applicant for the same applied use was approved by the Committee on 6.3.2020 mainly on the grounds that the application was for the reprovisioning of brownfield operation affected by the KTN NDA development and policy support from DEVB was given to the application; there were no major adverse impacts or adverse departmental comments on the application; and the concerns of relevant government departments could be addressed through implementation of approval conditions.
- 5.3 Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary rural workshop use within the “AGR” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area.

7. **The Site and Its Surrounding Areas** (Plans A-1 to A-2, aerial photo on Plan A-3 and site photos on Plan A-4)

7.1 The Site is:

- (a) currently vacant, partly formed and partly covered with weeds and fenced off on the north-western and eastern sides; and
- (b) accessible from Man Kam To Road via a small strip of government land.

7.2 The surrounding areas have the following characteristics:

- (a) Man Kam To Road is to the northwest of the Site and across which are some pipelines and active/fallow agricultural land;
- (b) a small stream running in a south-north direction is to the northeast and southeast of the Site and across which are some domestic structures and active/ fallow agricultural land;
- (c) to the south are some vacant and unused land; and
- (d) to the immediate west and south-west of the Site are a large site with open storage of construction materials and warehouses.

8. **Planning Intention**

The planning intention of the “AGR” zone is intended 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. **Comments from Relevant Government Departments**

9.1 The following government departments have been consulted and their views on the application and/or the public comment received are summarised as follows:

Policy Support

9.1.1 Comments of Secretary for Development (SDEV):

- (a) it is understood that the Site is the subject of a previously approved application No. A/NE-FTA/196 for the same applied use submitted by the same applicant. The aforesaid previous application was to facilitate relocation of a rural workshop displaced by the government-led KTN NDA project. According to the applicant, the major changes to the development proposal comparing with the previous application is the increase in site area by about 648m². Such increase is required to meet various technical requirements including provision of drainage facilities etc., as determined during the detailed design stage. Other major development parameters, including the applied use and the covered area

of the main sawmill structure remain unchanged; and

- (b) given the above, fully support to the current application is maintained from the perspective of ensuring timely development of the NDA and delivery of the housing yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the need of economy. The land freed up by the displaced workshop will together with other cleared land be redeveloped into the KTN NDA, capable of providing about 43,600 housing units in phases starting from 2024 onward. Facilitating relocation of affected brownfield operations including the rural workshop is crucial to the smooth clearance for and implementation of the NDA project.

Land Administration

9.1.2 Comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD):

- (a) the Site comprises private lots which are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guarantee of right of access. The applicant should make his own arrangement for acquiring access to the application site, and there is no guarantee that any adjoining government land will be allowed for vehicular access to the Site for the proposed use;
- (b) according to the proposed development, toilets would be erected on the site. The applicant should note that any proposed toilet facilities should meet current health requirements; and
- (c) the owner of the application lots has submitted applications to her office for a Short Term Waiver (STW) and a Short Term Tenancy (STT), which are being processed by her office and will be considered by Government in its landlord's capacity. There is no guarantee that the STW and STT applications will be approved. If the STW and STT are approved, their commencement date would be backdated to the first date of occupation and they will be subject to such terms and conditions to be imposed including payment of waiver fee/rent and administrative fees as considered appropriate by her office.

Traffic

9.1.3 Comments of the Commissioner for Transport (C for T):

- (a) having reviewed the proposal of traffic management measures as submitted by the applicant in **Appendix I**, she has no further comment on the proposal as well as the application from traffic engineering perspective; and
- (b) should the application be approved, a condition should be included to request the applicant to implement the traffic management measures to ensure that it will not cause adverse traffic impact to the surrounding area.

9.1.4 Comments of the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD):

- (a) he has no adverse comment on the application;
- (b) the section of Man Kam To Road adjacent to the Site is under HyD's maintenance purview (**Plan A-2**). However, the proposed access to the Site will pass through a strip of land between the footpath of Man Kam To Road and the Site, which is not maintained by HyD. The applicant is required to sort out the land issue with relevant land authorities; and
- (c) adequate drainage measures such as u-channels shall be provided to prevent surface runoff flowing from the Site to the nearby public roads.

Environment

9.1.5 Comments of the Director of Environmental Protection (DEP):

- (a) having reviewed the applicant's submission in **Appendices I and Id**, he has no in-principle objection to the application;
- (b) there are domestic structures to the immediate east of the Site. The applicant should be advised that the EPD's latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) is applicable to the subject planning application for temporary use, including but not limited to the environmental measures regarding air quality, noise and water quality; and
- (c) should the application be approved, a condition should be included to request the applicant to implement the proposed environmental mitigation measures as proposed by the applicant. His advisory comments are at **Appendix IV**.

Drainage

9.1.6 Comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD):

- (a) having reviewed the drainage proposal as submitted by the applicant in **Appendices I and Ib**, he has no in-principle objection to the application from the public drainage viewpoint;
- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

Agriculture

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

- (a) from the agricultural perspectives, the Site is considered to have potential for agricultural rehabilitation, though whether there will be agricultural activities on a specific site will hinge on a lot of factors, such as the landowners' willingness to lease out their land for agricultural use; and
- (b) the Site is vacant with a water channel located to the east of the Site. He has no comment on the subject application from nature conservation point of view.

Fire Services

9.1.8 Comments of the Director of Fire Services (D of FS):

- (a) having reviewed the FSIs proposal as submitted by the applicant in **Appendix Ic**, he considered that the proposal is acceptable and has no in-principle objection to the application subject to FSIs and water supplies for firefighting being provided to the satisfaction of his department;
- (b) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (c) emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

Landscape

9.1.9 Comments of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD):

- (a) she has no objection to the application from the landscape planning point of view;
- (b) according to aerial photo of 2020, the Site is located in an area of rural inland plains landscape character comprising village houses, open storages to its immediate west and vegetated areas at the south. The proposed development under the current application is considered not entirely incompatible with the landscape character in its close proximity. Moreover, the Site is currently vacant and covered by wild grass with no significant sensitive landscape resource observed. Significant adverse impact on existing landscape resources within the Site arising from the proposed development is not anticipated; and
- (c) it is noted that the Site is set back from Man Kam To Road and there is no major public frontage along the site boundary, it is considered not necessary to impose a landscape condition as its effect on enhancing the

quality of public realm is not apparent.

Building Matters

9.1.10 Comments of the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD):

- he has no objection in-principle under the Buildings Ordinance (BO) to the proposed use on the application site. His advisory comments are at **Appendix IV**.

District Officer's Comments

9.1.11 Comments of the District Officer (North), Home Affairs Department (DO(N), HAD):

- he has consulted the locals regarding the application. The Ta Kwu Ling District Rural Committee (TKLDRC) supports the application. The incumbent North District Councilor of subject constituency, the Chairman of Fung Shui Area Committee, the Indigenous Inhabitant Representative of San Uk Ling and the Resident Representative of San Uk Ling had no comment. The Chairman of 打鼓嶺沙嶺居民福利會 objects to the proposal mainly on the grounds that the proposed development will cause environmental nuisance to the nearby villagers in terms of noise, dust etc.

9.2 Chief Engineer/Construction, Water Supplies Department (CE/C of WSD) has no objection to the application.

10. Public Comments Received During Statutory Publication Period (Appendix III)

On 5.11.2021, the application was published for public inspection. During the statutory public inspection period, four public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. The Chairman of 打鼓嶺沙嶺居民福利會 and two individuals object to the application mainly on the grounds that the proposed development will cause environmental nuisance to the nearby villagers; the applicant has not complied with the approval conditions of the previously approved application; the displaced brownfield operations should be relocated to other sites with appropriate zonings; and the proposed development will cause adverse traffic impact on the surroundings.

11. Planning Considerations and Assessments

11.1 The application is for a proposed temporary rural workshop (timber yard and sawmill) for a period of 3 years at the Site falling entirely within the "AGR" zone on the OZP. While DAFC considers that the Site is having potential for agricultural rehabilitation from the agricultural perspective, he advised that whether there will be agricultural activities on a specific site will hinge on a lot of factors. Since the Site is currently largely vacant, partly formed and partly covered with weeds, it is considered that the approval of the application on a temporary basis for a period of three years would not

frustrate the long-term planning intention of the “AGR” zone.

- 11.2 Majority of the Site is the subject of a previous application No. A/NE-FTA/196 submitted by the same applicant for the same applied use approved by the Committee in March 2020. That application was to facilitate relocation of the applicant's workshop displaced by the government-led KTN NDA project with policy support. During the detailed design stage for the compliance with the relevant approval conditions as specified under the approved application No. A/NE-FTA/196, the applicant has proposed some amendments to the approved scheme mainly to include a piece of government land at the western boundary along the Site as well as a slight adjustment to the layout to meet the requirements of the relevant government departments including DSD. The changes mainly involves an increase in site area by 648m² (i.e. +18.4%) and a slight increase in the total GFA by 59m² (i.e. +2.2%) as compared with the previously approved application. Other major development parameters including the building height and the location of the main structure remain unchanged. SDEV has no comment on the proposed changes to the approved scheme, and fully supports the application from the perspective of ensuring timely delivery of the housing yield in the NDA and providing operating space for displaced brownfield operations still needed by the community.
- 11.3 In support of the application, the applicant has submitted the relevant proposals for traffic management, environmental mitigation measures, FSIs and drainage aspects. C for T, DEP and D of FS considers that the concerned proposals are acceptable and they have no further comment on the application subject to the implementation of the relevant proposals. CE/MN of DSD has no objection to the application and request the applicant to submit and implement a revised drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area. Other relevant government departments consulted, including UD&L of PlanD, CE/C of WSD and CBS/NTW of BD, have no adverse comment on/ no objection to the application.
- 11.4 There has been no material change in planning circumstances since the approval of the last previous application No. A/NE-FTA/196.
- 11.5 Regarding the local objections conveyed from DO(N) of HAD and adverse public comments as mentioned in paragraphs 9.1.11 and 10 above respectively, the Government department's comments and the planning assessment above are relevant.

12. Planning Department's Views

- 12.1 Based on the assessments made in paragraph 11 and having taken into account the local objections conveyed by DO(N) of HAD and public comments in paragraph 9.1.11 and 10 above respectively, the Planning Department considers that the temporary use under the application could be tolerated for a period of 3 years.
- 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 3 years until 10.12.2024. 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 **10.6.2022**;
- (b) in relation to (a) above, the provision of drainage facilities 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 **10.9.2022**;
- (c) 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 **10.9.2022**;
- (d) the implementation of proposals for fire service installations and water supplies for firefighting, as proposed by the applicant, 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 **10.9.2022**;
- (e) the implementation of proposals for environmental mitigation measures, as proposed by the applicant, within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by **10.9.2022**;
- (f) if any of the above planning conditions (a), (b), (c), (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
- (g) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

The recommended advisory clauses are at **Appendix IV**.

12.3 There is no strong reason to recommend rejection of the application.

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 Planning Statement received on 29.10.2021
Appendix Ia	Supplementary Information received on 3.11.2021
Appendix Ib	Further information received on 11.11.2021
Appendix Ic	Further information received on 16.11.2021
Appendix Id	Further information received on 17.11.2021
Appendix Ie	Further information received on 24.11.2021
Appendix II	Previous s.16 Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Comparison Plan Between Approved Scheme and Current Scheme
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
DECEMBER 2021**