

APPLICATION FOR RENEWAL OF PLANNING APPROVAL
FOR TEMPORARY USE
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/255

<u>Applicant</u>	:	Kinform Timber Company Limited represented by R-riches Property Consultants Limited
<u>Site</u>	:	Lots 581 (Part), 582 (Part), 583 and 584 RP in D.D. 89 and adjoining Government Land (GL), Man Kam To Road, Sha Ling, New Territories
<u>Site Area</u>	:	About 4,164m ² (including GL of about 610m ² or about 15% 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>	:	Renewal of Planning Approval for Temporary Rural Workshop (Timber Yard and Sawmill) for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks renewal of planning permission to continue using the application site (the Site) for temporary rural workshop (timer yard and sawmill) for a further period of three years. The Site falls within an area zoned “AGR” on the approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/18 (**Plan A-1**). According to the covering 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 currently used for the applied use with a valid planning permission until 10.12.2024 (**Plans A-4a** and **4b**).
- 1.2 The Site is accessible from Man Kam To Road to the north (**Plan A-2**). The applied use comprises two temporary structures with building height of about 5m to 12m and a total floor area of about 2,788m² for storage of timber/plywood/construction materials, sawmill workshop, site office and washroom uses. The remaining area of the Site is used for provision of two private car parking spaces and one loading/unloading (L/UL) space for container vehicle and circulation space. One 8m-wide vehicular access is provided at the northern boundary of the Site. According to the applicant, the existing traffic management measures (e.g. deployment of on-site management staff and sufficient manoeuvring space within the

Site), boundary fencing, fire service installations (FSIs), environmental mitigation measures in terms of air, noise and water quality aspects (including no operation during sensitive hours, noise operations in enclosed areas, dust suppressant measures, etc.) as well as drainage facilities implemented at the Site shall be properly maintained. The operation hours are from 8:00 a.m. to 6:30 p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The layout plan of the current scheme is shown in **Drawing A-1**.

- 1.3 The Site is the subject of two previously approved applications (No. A/NE-FTA/196 and 206) submitted by the same applicant for the same use. Compared with the last previous application No. A/NE-FTA/206 which was approved with conditions by the Rural and New Town Planning Committee (the Committee) of the Board on 10.12.2021, the current application remains the same in terms of site area/boundary, layout and major development parameters. The two previous applications were to facilitate the relocation of the applicant's rural workshop displaced by the government-led Kwu Tung North New Development Area (KTN NDA) Project. Details of the previous applications are set out in paragraph 6 below.
- 1.4 In support of the application, the applicant has submitted the following documents:
- | | |
|---|------------------------|
| (a) Application Form received on 2.10.2024 | (Appendix I) |
| (b) Planning Statement received on 2.10.2024 | (Appendix Ia) |
| (c) Supplementary Information (SI) received on 10.10.2024 | (Appendix Ib) |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Application Form, Planning Statement and SI at **Appendices I to Ib**, as summarised below:

- (a) the application is to facilitate the renewal of planning approval under the last previous application No. A/NE-FTA/206, in which all the approval conditions have been complied with;
- (b) the applied use is the same as the affected business in Ma Tso Lung in the KTN NDA, and there is no change in the major development parameters and operation mode as compared with the last previous application;
- (c) the applied use is on a temporary basis and would not frustrate the long-term planning intention of the "AGR" zone;
- (d) the applied use is not incompatible with the surrounding areas and no adverse traffic, environmental, drainage and landscape impacts are anticipated; and
- (e) the accepted drainage proposal with photographic records of the existing drainage facilities, FSIs proposal and certificates, traffic management measures and environmental mitigation measures under the last previous application are submitted in support of the 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 Ta Kwu Ling District Rural Committee. Detailed information would be deposited at the meeting for Members’ inspection. For the GL within the Site, TPB PG-No. 31B is not applicable to the application.

4. Town Planning Board Guidelines

Town Planning Board Guidelines No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ (TPB PG-No. 34D) are relevant to this application. The relevant assessment criteria are at **Appendix II**.

5. Background

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

6. Previous Applications

- 6.1 The Site/Part of the Site is the subject of three previous applications (No. A/NE-FTA/145, 196 and 206). Application No. A/NE-FTA/145 submitted by a different applicant for temporary lorries, container tractors and trailers park was rejected by the Committee in 2014. The considerations are not relevant to the current application which involves different use.
- 6.2 Applications No. A/NE-FTA/196 and 206 were submitted by the same applicant for the same use, which were both approved with conditions by the Committee on 6.3.2020 and 10.12.2021 respectively mainly on the grounds that the applications were for the reprovisioning of brownfield operation affected by the KTN NDA development and policy support from the Development Bureau was given to the applications; 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.
- 6.3 Compared with the last previous application No. A/NE-FTA/206, the current application remains the same in terms of site area/boundary, layout and major development parameters. All the approval conditions under the last previous application have been complied with and the planning permission is valid until 10.12.2024.
- 6.4 Details of the previous applications are summarised at **Appendix III** and their locations are shown on **Plan A-1**.

7. Similar Application

There is no similar application for the same applied use within the same “AGR” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area over the past five years.

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

8.1 The Site is:

- (a) hard-paved, fenced-off and currently occupied by the applied use with valid planning permission; and
- (b) accessible from Man Kam To Road to the north via a small strip of GL.

8.2 The surrounding areas are intermixed with storage yards, active/fallow agricultural land, vacant land and woodland. To the immediate east is a cluster of domestic structures. There is a watercourse adjoining the southeastern boundary of the Site.

9. Planning Intention

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 bureau 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 Recommended Advisory Clauses 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 seeks to renew a previously approved application No. A/NE-FTA/206 for the same applied use submitted by the same applicant. The aforesaid previously approved application was to facilitate relocation of a logistics centre affected by the government-led KTN NDA project;
- (b) according to the applicant, there is no change in the major development parameters and operation mode. The applicant has also complied with all the approval conditions, and it is noted from site photos that the Site is already under operation; and

- (c) given the above, support to the 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 the affected brownfield operations. The land freed up by the operation will, together with other cleared land, be redeveloped into the KTN NDA, capable of providing about 49,900 housing units in phases. Facilitating relocation of affected brownfield operations is crucial to the smooth clearance for and implementation of the NDA project.

11. Public Comments Received During Statutory Publication Period

On 15.10.2024, 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 applied use is susceptible to fire risk; the applicant has not demonstrated genuine intention to comply with the approval conditions of the previously approved application; and displaced brownfield operations should be relocated to other sites with appropriate zonings. Another 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 renewal of planning permission for a temporary rural workshop (timber yard and sawmill) for a further period of three years at the Site zoned “AGR”. The applied use 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. Nonetheless, the Director of Agriculture, Fisheries and Conservation has no strong view against the application, considering that the previous application for the same use on the Site was approved. Given it is temporary in nature, approval of the application on a temporary basis for a further period of three years would not frustrate the long-term planning intention of the “AGR” zone. Besides, SDEV supports the application from the perspective of ensuring timely development of the NDA and delivery of the housing yield, as well as facilitating the continued operation of the affected brownfield operations.
- 12.2 The Site is hard-paved, fenced off and currently used for the applied use. The applied use is considered not entirely incompatible with the surrounding land uses intermixed with storage yards, domestic structures, active/fallow agricultural land, vacant land and woodland. In this regard, the Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application from landscape planning perspective as no significant sensitive landscape resource is observed, and further significant adverse impact on the landscape character and existing landscape resources within the Site arising from the applied use is not anticipated.
- 12.3 Concerned government departments consulted, including the Commissioner for Transport, Director of Environmental Protection (DEP), Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to or no comment on the application from traffic, environmental, drainage

and fire safety aspects respectively. While there were two substantiated environmental complaints concerning waste and noise at the Site received in the past three years, no violation of the Environmental Ordinance was observed and no enforcement action was taken by DEP. Moreover, no further complaint has been received by DEP from 2022 onwards. Should the application be approved, the applicant will be advised to continue the environmental mitigation measures during operation of the workshop. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 13.2 below.

- 12.4 The Site is the subject of two previously approved applications (No. A/NE-FTA/196 and 206) submitted by the same applicant for the same use as detailed in paragraph 6 above. The current proposal is the same as the last approved application No. A/NE-FTA/206 in terms of the applied use, layout and major development parameters. All the approval conditions under the last previous application have been complied with and the planning permission is valid until 10.12.2024. There is no major change in planning circumstances since the approval of the previous application.
- 12.5 In view of the above, the application generally complies with the TPB PG-No. 34D in that there has been no material change in planning circumstances since the approval of the last application; all the approval conditions under the last application have been complied with; and the approval period sought which is the same as the last approval granted by the Committee is not unreasonable.
- 12.6 Regarding the adverse public comment 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, the Planning Department considers that the applied use could be tolerated for a further period of three years.
- 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 and be renewed from 11.12.2024 until 10.12.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the existing drainage facilities on the site shall be maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (b) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 11.3.2025;

- (c) if the above planning condition (a) 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;
- (d) if the above planning condition (b) 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
- (e) upon expiry of the planning permission, the reinstatement of the site to an amenity area 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 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 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 received on 2.10.2024
Appendix Ia	Planning Statement received on 2.10.2024
Appendix Ib	SI received on 10.10.2024
Appendix II	Relevant Extract of TPB PG-No. 34D
Appendix III	Previous Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendix VI	Public Comments
Drawing A-1	Master 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