

**APPLICATION FOR PERMISSION**  
**UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE**

**APPLICATION NO. A/NE-LYT/804**

- Applicant** : Carlton Woodcraft Manufacturing Ltd. represented by Aikon Development Consultancy Limited
- Site** : Lots 755, 835 S.B ss.1 RP, 836 RP, 837, 838 RP, 841 RP, 842 RP, 844 RP and 854 in D.D. 83, No. 31A Ma Liu Shui San Tsuen, Fanling, New Territories
- Site Area** : About 10,853.68m<sup>2</sup>
- Lease** : (i) Block Government Lease (demised for agricultural use)  
(ii) Short Term Waiver (STW) No. 1646  
- Restricted to warehouse (excluding dangerous goods godown)
- Plan** : Approved Lung Yeuk Tau and Kwan Tei South Outline Zoning Plan (OZP) No. S/NE-LYT/19
- Zonings** : (i) “Residential (Group C)” (“R(C)”) (about 90% of the Site)  
(ii) “Agriculture” (“AGR”) (about 10% of the Site)
- Application** : Renewal of Planning Approval for Temporary Warehouses (excluding Dangerous Goods Godown) 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 warehouses (excluding dangerous goods godown) for a further period of three years until 27.10.2026 (**Plan A-1**). The Site falls largely within an area zoned “R(C)” with a minor portion 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 within “R(C)” and “AGR” zones requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use with valid planning permission until 27.10.2023.
- 1.2 The Site is accessible from its southwest via Dao Yang Road leading to Sha Tau Kok Road – Lung Yeuk Tau (**Plans A-1 and A-2**). According to the applicant, the development comprises two single-storey structures, i.e. Warehouses B and C (with a total floor area of about 2,659.8m<sup>2</sup>) for general storage of manufacturing materials, trading products, and vehicle parts and accessories, and nine ancillary structures/converted containers (with a total floor area of about 340.2m<sup>2</sup>) for ancillary site office, guard room and storage uses (**Drawing A-1**). The applicant has indicated

that all goods to be stored within the Site are non-polluting and non-dangerous in nature and will remain stagnant all the time without affecting the neighbouring uses. Five parking spaces for medium goods vehicles (MGVs)/heavy goods vehicles (HGVs) and five loading/unloading bays for MGVs/HGVs are provided in the eastern part of the Site. The operation hours of the Site are between 7:00 a.m. to 8:00 p.m. from Mondays to Saturdays, and only indoor forklift operation would be performed inside the enclosed warehouses between 7:00 p.m. to 8:00 p.m from Mondays to Saturdays, and there is no operation on Sundays and public holidays.

- 1.3 The Site, in part or in whole, is the subject of seven previously approved applications (No. A/NE-LYT/260, 278, 300, 422, 542, 631 and 731) (**Plan A-1**) submitted by the same applicant for various temporary warehouse or workshop uses. Details of these previous applications are set out in paragraph 5 below. Compared with the last approved application No. A/NE-LYT/731, the current application is submitted for the same temporary warehouse use with a slight reduction in total floor area from about 3,122.67m<sup>2</sup> to about 3,000m<sup>2</sup> (i.e. -122.67m<sup>2</sup>). The applicant has complied with all the approval conditions under application No. A/NE-LYT/731, the planning permission of which is valid until 27.10.2023. The major development parameters under the last approved application and the current application are summarized as follows:

	<b>Last approved application</b> (No. A/NE-LYT/731) (a)	<b>Current application</b> (b)	<b>Difference</b> (b)-(a)
<b>Site area</b>	10,931	10,853.68	-77.32 (-0.5%)
- Uncovered area (m <sup>2</sup> )	7,808.33	7,853.68	+45.35 (+0.6%)
- Covered area (m <sup>2</sup> )	3,122.67	3,000	-122.67 (-3.9%)
<b>Number of warehouses structures</b>	2 (Warehouses B and C)	2 (Warehouses B and C)	-
<b>Number of ancillary structures</b>	11 (Excluding Warehouses B and C)	9 (Excluding Warehouses B and C)	-2 (-18%)
<b>Total floor area (m<sup>2</sup>)</b>	3,122.67	3,000	-122.67 (-3.9%)
- Warehouses (m <sup>2</sup> )	2,659.8	2,659.8	-
- Ancillary structures / converted containers (m <sup>2</sup> )	462.87	340.2	-122.67 (-26.5%)
<b>Number of storey / height</b>			
- Warehouses B and C	1 (with a headroom of 7.35m)	1 (with a headroom of 7.35m)	-
- Ancillary structures / converted containers	1 (not more than 4.5m)	1 (not more than 4.5m)	-
<b>Vehicle parking</b>			
- Parking spaces for MGVs/HGVs	5 (11m x 3.5m each)	5 (11m x 3.5m each)	-
- Loading / unloading bays for MGVs/HGVs	5 (11m x 3.5m each)	5 (11m x 3.5m each)	-

- 1.4 According to the applicant's submission, the existing daily traffic generation by the applied use is less than 20 vehicles per day of which a maximum of 2 daily trips are made by HGVs (**Appendices Ia and Id**). Vehicles longer than 7.5m would only be allowed to use the ingress/egress point on Dao Yang Road for entering/leaving the Site (**Plan A-2**). The landscape treatment, drainage facilities, fire service installations and traffic mitigation measures including the restrictions of vehicular traffic within the non-peak hours and the number of heavy goods vehicles entering the Site (**Appendix Ib**) implemented under the last approved application No. A/NE-LYT/731 will be properly maintained.
- 1.5 In support of the application, the applicant has submitted the following documents:
- |     |  |                        |
|-----|--|------------------------|
| (a) | Application Form with attachments received on 2.8.2023 | ( <b>Appendix I</b> )  |
| (b) | Supplementary Planning Statement (SPS)                 | ( <b>Appendix Ia</b> ) |
| (c) | Further Information (FI) received on 17.8.2023 ^       | ( <b>Appendix Ib</b> ) |
| (d) | FI received on 13.9.2023 ^                             | ( <b>Appendix Ic</b> ) |
| (e) | FI received on 14.9.2023 ^                             | ( <b>Appendix Id</b> ) |
| (f) | FI received on 27.9.2023 ^                             | ( <b>Appendix Ie</b> ) |

*^ accepted but 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 at **Appendix Ia**, as summarized below:

- (a) the Site is the subject of seven previously approved planning applications (No. A/NE-LYT/260, 278, 300, 422, 542, 631 and 731) for various warehouse or workshop uses which were approved by the Board between 2003 and 2020;
- (b) the nature of the current application in terms of the approval period sought and the applied use is the same as the last approved application No. A/NE-LYT/731. The applicant has complied with all planning conditions under the previous approval within the specified time limits;
- (c) the current application complies with the Town Planning Board Guidelines No. 34D (TPB-PG-No. 34D) on 'Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development';
- (d) the temporary nature of the current application will not jeopardize the long-term planning intentions of "R(C)" and "AGR" zones;
- (e) the applied use would take full advantage of the location being in close proximity to two boundary crossings (i.e. Man Kam To and Sha Tau Kok) to address the demand for warehouse facilities in the northern New Territories; and
- (f) the applied use will not induce adverse traffic and environmental impacts on or cause significant nuisance to the surrounding areas.

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

The applicant is the sole “current land owner”. Detailed information would be deposited at the meeting for Members’ inspection.

### **4. Town Planning Board Guidelines**

TPB-PG No. 34D on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ are relevant to this application. Relevant extracts of the Guidelines are attached at **Appendix II**.

### **5. Background**

The Site is not subject to any active enforcement action.

### **6. Previous Applications**

- 6.1 The Site, in part or in whole, is the subject of eight previous applications, of which seven (No. NE-LYT/260, 278, 300, 422, 542, 631 and 731) were submitted by the same applicant for various temporary warehouse or workshop uses. These applications were approved by the Committee between May 2003 and September 2020 mainly on consideration that the proposed developments were not incompatible with surrounding land uses; unlikely to cause any significant adverse traffic, environmental and drainage impacts; concerned government departments had no adverse comments; and/or the Site and its adjoining area were the subject of previous application(s). All approval conditions imposed on the last approved application No. A/NE-LYT/731 have been complied with and the planning permission is valid until 27.10.2023. Except for a slight reduction in the total floor area, the major development parameters and layout of the current application remain unchanged.
- 6.2 The remaining application No. A/NE-LYT/313 submitted by the same applicant for temporary residential institution and training centre (youth hostel) was rejected by the Committee in December 2005, which is not relevant to the subject application.
- 6.3 Details of the previous applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

### **7. Similar Application**

- 7.1 There is one similar application (No. A/NE-LYT/423) for temporary warehouse use within/partly within “R(C)” and/or “AGR” zones in the vicinity of the Site in the Lung Yeuk Tau and Kwan Tei South area. The application submitted by the same applicant as the current application was approved by the Committee in August 2010 mainly on consideration that the proposed development was not incompatible with surrounding land uses; unlikely to cause any significant adverse traffic, landscape and drainage impacts; concerned government departments had no adverse comments; and the Site and its adjoining area were the subject of previous applications.
- 7.2 Details of the application are at **Appendix IV** and its location is shown on **Plan A-1**.

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

### **8.1 The Site is:**

- (a) now used for the applied use;
- (b) flat, hard-paved and fenced off, and a small portion in the southwestern part of the Site falls within the boundary of “Queen’s Hill Site of Archaeological Interest” (“AM01-1654”) (**Plan A-2**);
- (c) occupied by structures with some trees observed along the site boundary; and
- (d) accessible from its southwest via Dao Yang Road leading to Sha Tau Kok Road – Lung Yeuk Tau (**Plans A-1 and A-2**).

### **8.2 The surrounding areas are predominated by warehouses, car repairing workshop, open storages, car parks, temporary structures and vacant land in the north, and active/fallow agricultural land in the south within the “AGR” zone. Some domestic structures are found to the south, southeast and northwest of the Site.**

## **9. Planning Intentions**

- 9.1 The planning intention of the “R(C)” zone is primarily for low-rise, low-density residential developments where commercial uses serving the residential neighbourhood may be permitted on application to the Board.
- 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 departments as set out in paragraphs 10.2 and 10.3 below, other government 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 V and VI** respectively.

- 10.2 The following government department does not support the application:

### **Environment**

#### **10.2.1 Comments of the Director of Environmental Protection (DEP):**

- (a) he does not support the application as there are sensitive uses, i.e. domestic structures, in the vicinity of the Site (the nearest domestic structure being about 5m away) (**Plan A-2**) and environmental nuisance is expected from the use of medium and heavy goods vehicles; and
- (b) there has been no environmental complaint against the Site during the past three years;

- 10.3 The following government department has relayed the following local views on the application:

**District Officer's Comments**

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

- (a) he has consulted the locals regarding the application. The Indigenous Inhabitant Representative (IIR) of Ma Liu Sui San Tsuen, the Chairman, the First Vice-chairman (cum the IIR of Kwan Tei) and the Vice-chairman of Fanling District Rural Committee object to the application mainly on the grounds that the application would induce adverse traffic and drainage impacts on the surrounding areas and would wear out the existing roads;
- (b) the Chairman of Lung Shan Area Committee has no comment on the application; and
- (c) the incumbent North District Councilor of N18 Constituency, the Resident Representative (RR) of Ma Liu Shui San Tsuen, another IIR and the RR of Kwan Tei, the IIR and the RR of Fu Tei Pai do not reply.

**11. Public Comments Received During Statutory Publication Period (Appendix VII)**

On 11.8.2023, the application was published for public inspection. During the statutory public inspection period, twelve public comments were received. The Chairman of Sheung Shui District Rural Committee indicates no comment on the application. Seven individuals support the application mainly on the grounds that the applied use is vital in addressing the demand for storages and no adverse impacts arising from the applied use would be induced. The Chairman, the First Vice-chairman (cum the IIR of Kwan Tei), the Vice-chairman of Fanling District Rural Committee and an individual object to the application mainly on the grounds that the application would induce adverse traffic, sewage and drainage impacts on the surrounding areas and it is uncertain whether the approval conditions under the last approved application No. A/NE-LYT/731 have been fulfilled.

**12. Planning Considerations and Assessments**

- 12.1 The application is for renewal of planning permission for temporary warehouses (excluding dangerous goods godown) for a further period of three years at the Site zoned "R(C)" and "AGR" on the OZP. Whilst the proposed development is not in line with the planning intentions of the "R(C)" and "AGR" zones as detailed in paragraph 9, the Site is located at the fringe of the "R(C)" zone and there is no known programme for residential development at the Site. Only a minor portion of the Site falls within the "AGR" zone and DAFC also has no strong view against the renewal application as the previous application for the same use on the Site was approved. Taking into account the above as well as the planning assessment below, the renewal of the applied use for a further period of three years could be tolerated.
- 12.2 The Site is hard paved and occupied by some temporary structures and buildings with some trees observed along the site boundary. The applied use is considered not entirely incompatible with the surrounding land uses, which comprises warehouses, open storages, car parks, active/fallow agricultural land, temporary structures and vacant land (Plan A-2).

- 12.3 DEP does not support the application as the proposed development involves the use of heavy vehicles (i.e. MGVs/HGVs) and environmental nuisance to the sensitive receivers (i.e. domestic structures) in the vicinity of the Site is expected (the nearest domestic structure being about 5m away) (**Plan A-2**). However, there was no environmental complaint against the Site in the past three years. The concern of DEP could be addressed through imposing relevant approval conditions, same as the previous approval, as set out in paragraph 13.2 below. The applicant will be advised to follow the COP to minimize the possible environmental impacts on the surrounding areas.
- 12.4 The Commissioner for Transport (C for T) has no comment on the renewal application from the traffic engineering point of view and advises a number of conditions imposed to the last approved application No. A/NE-LYT/731 should also be imposed to the current renewal application as set out in paragraph 13.2 below, should the application be approved. Other concerned government departments, including Chief Engineer/Mainland North of Drainage Services Department, Chief Engineer/Construction of Water Supplies Department, Director of Fire Services and Executive Secretary (Antiquities & Monuments), Antiquities and Monuments Office (ES(A&M), AMO) have no objection to or no adverse comment on the application.
- 12.5 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 previous application; there are no major adverse departmental comments against the renewal application except DEP and the concern has been discussed in paragraph 12.3 above; all the approval conditions for the previous application have been complied with; and the approval period sought which is the same as the last approval granted by the Board is not unreasonable.
- 12.6 The Site is the subject of seven previously approved applications for warehouse or workshop uses by the same applicant as the current application as set out in paragraph 6.1 above. In addition, there is also one similar approved application No. A/NE-LYT/423 for temporary warehouse use. The planning considerations of the current application are similar to the approved one.
- 12.7 Regarding the local comments conveyed by DO (N) of HAD and public comments on the application as detailed in paragraphs 10.3 and 11 respectively, government departments' comments and 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 local comments conveyed by DO (N) of HAD and public comments as detailed in paragraphs 10.3 and 11 respectively, the Planning Department considers that the temporary development could be tolerated for a further period of 3 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 **from 28.10.2023 until 27.10.2026**. The following conditions of approval and advisory clauses are also suggested for Members' reference:

#### **Approval Conditions**

- (a) no operation from 8:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no operation except indoor forklift operation inside the enclosed warehouses between 7:00 p.m. to 8:00 p.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) a maximum of two heavy goods vehicles are allowed to enter the Site per day, as proposed by the applicant, during the planning approval period;
- (e) all vehicles should only be allowed to use the ingress/egress at Dao Yang Road at any time during the planning approval period;
- (f) no open storage of materials should be carried out on the Site at any time during the planning approval period;
- (g) no manufacturing activities shall be carried out on the Site at any time during the planning approval period;
- (h) no used electrical appliances, televisions, computer monitors, computer parts or any other types of electronic waste are allowed to be stored on the Site during the planning approval period;
- (i) all vehicles entering and exiting the Site during the planning approval period shall be restricted to non-peak hours (i.e. from 10:00 a.m. to 4:00 p.m.) to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (j) the implementation of the traffic mitigation measures during the planning approval period, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the Town Planning Board;
- (k) the maintenance of the existing drainage facilities within the Site properly at all times during the planning approval period;
- (l) the submission of a condition record of the existing drainage facilities within **3** months from the commencement date of renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.1.2024;
- (m) the submission of a fire service installations proposal within **6** months from the commencement date of renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.4.2024;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within **9** months from the commencement date of renewed planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 28.7.2024;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k) 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



- (p) if any of the above planning conditions (l), (m) or (n) 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.

*[Approval condition on the maintenance of the existing trees within the Site at all times during the planning approval period has been removed as per the latest practice.]*

#### Advisory Clauses

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

13.3 Alternatively, should the Committee decide to reject the application, the following reason for rejection is suggested for Members' reference:

- the development is not in line with the planning intentions of the "R(C) and "AGR" zones which are primarily for low-rise, low-density residential developments; and to retain and safeguard good 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 respectively. 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 applicants.

#### **15. Attachments**

<b>Appendix I</b>	Application Form with Attachments received on 2.8.2023
<b>Appendix Ia</b>	SPS
<b>Appendix Ib</b>	FI received on 17.8.2023
<b>Appendix Ic</b>	FI received on 13.9.2023
<b>Appendix Id</b>	FI received on 14.9.2023
<b>Appendix Ie</b>	FI received on 27.9.2023
<b>Appendix II</b>	Relevant Extracts of TPB Guidelines No. 34D on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development
<b>Appendix III</b>	Previous Applications
<b>Appendix IV</b>	Similar s.16 Application for Temporary Warehouse within/partly within "Residential (Group C)" and/or "Agriculture" zones in the vicinity of the Site in the Lung Yeuk Tau & Kwan Tei South Area

<b>Appendix V</b>	Government Departments' General Comments
<b>Appendix VI</b>	Recommended Advisory Clauses
<b>Appendix VII</b>	Public Comments
<b>Drawing A-1</b>	Site Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
OCTOBER 2023**