

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/17

<u>Applicant</u>	Hong Kong & Kowloon Timber Merchants Associated Limited (港九木行商會有限公司) represented by Toco Planning Consultants Limited
<u>Site</u>	Lot 129 (Part) in D.D. 86, Lots 607, 608, 609, 610 S.B RP (Part), 613 (Part), 627 (Part), 632 S.A RP, 633 S.A RP (Part), 635 S.A, 635 S.B, 635 S.C, 635 S.D, 637, 638 (Part) and 642 S.A RP (Part) in D.D. 90 and Adjoining Government Land, Lin Ma Hang Road, San Uk Ling, Man Kam To, New Territories
<u>Site Area</u>	12,085.9 m ² (about) (including Government land of about 2,135 m ²)
<u>Lease</u>	(i) Block Government Lease (demised for agricultural use) (about 82.3% of the Site) (ii) Government land (about 17.7% of the Site)
<u>Plan</u>	Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/4
<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 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 Man Kam To OZP No. S/NE-MKT/4. 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, partly paved and partly covered by wild grasses and structures.
- 1.2 According to the applicant, the current application is submitted to facilitate the relocation of six timber yards and sawmill workshops involving nine affected sites in Kwu Tung North (i.e. various lots in D.D. 95 and 96 and nearby Government land, Ma Tso Lung). Since these workshops are affected by the Kwu Tung North New Development Area (KTN NDA) development, the concerned parcels of land would need to be resumed and reverted to the Government by the end of 2021.

- 1.3 The proposed temporary development is divided into two portions bisected by Lin Ma Hang Road (**Drawings A-1 and A-2**). The eastern portion (i.e. Sites A and B) and the western portion (i.e. Site C), with a total floor area of 9,786.4 m², include six 1-storey temporary structures of about 12 m in height (i.e. about 9,172.8 m²), two 1-storey sheds of about 8 m in height (i.e. about 347.6 m²) and two 2-storeys of ancillary offices of about 5 m in height (i.e. about 266 m²) covered by the main structures for sawmill workshops, storage of timber and other construction materials, ancillary offices, temporary portable toilets, loading/unloading and parking spaces. A total of 10 private car parking spaces (5 m x 2.5 m each), 5 loading/unloading spaces for heavy/medium goods vehicles (11 m x 3.5 m) and 3 loading/unloading spaces for container vehicles (16 m x 3.5 m) would be provided (**Drawings A-1 and A-2**).
- 1.4 The Site is accessible from Lin Ma Hang Road (**Plan A-2**). The operation hours of the Site are between 8:00 a.m. and 6:00 p.m. on Mondays to Saturdays. There would be no operation on Sundays and public holidays. The proposed indicative layout plans submitted by the applicant are at **Drawings A-1 to A-2**.
- 1.5 In support of the application, the applicant has submitted the following documents:
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|---|------------------------|
| (a) Application form received on 2.3.2021 | (Appendix I) |
| (b) Supplementary Planning Statement received on 2.3.2021 | (Appendix Ia) |
| (c) Further information received on 15.4.2021 ^ | (Appendix Ib) |
| ^ <i>accepted and exempted from publication</i> | |

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in the Supplementary Planning Statement at **Appendices Ia and Ib**. They can be summarised as follows:

Effort in Identifying Suitable Site for Relocation

- (a) the applicant has spent effort in identifying suitable site for relocation of the affected workshops in Kwu Tung North to pave way for the Government's KTN NDA development;
- (b) whilst the applicant has identified a number of alternative sites in various areas including Hung Lung Hang, Ping Che, Ta Kwu Ling and Sha Tau Kok etc. for relocation of the workshops, those sites were considered not suitable or impracticable due to various issues such as area being too small, sites were sold before commitment, ownership, accessibility or environmental problems, etc. Though the Site is located away from their original occupation in KTN, the Site area (i.e. about 12,086 m²) is similar to their original business in Kwu Tung North (i.e. about 10,348 m²) with a slight increase of about 2.7% to 9.5% for each operator taking into account some communal area for access/ circulation space required to be provided with the Site. The Site is also directly accessible via Lin Ma Hang Road without causing adverse traffic impact on the surroundings. For the domestic structures found on Site (**Plan A-2**), the applicant has obtained written consents from the concerned occupiers and there would be no adverse impact on the implementation programme of the relocation exercise;

The Applied Use is the Same as the Affected Business in Kwu Tung North

- (c) the six affected timber operators are all key players in the timber market and have been operating the timber business in Hong Kong for over 30 years, specialising in different timber and sawmill products and services including timber packaging and wooden pallets, interior decoration, rattan furniture, tropical hardwood for trucking flooring and wooden fence and construction timber. The applied use is the same as the affected business in Kwu Tung North, involving workshop and storage of timber and construction materials.

No Adverse Environmental Impact on the Surroundings

- (d) to avoid possible impact to the existing stream located to the south of the Site (**Plan A-2**), a setback distance from about 2.7 to 17 m is proposed;
- (e) domestic structures are found to the northwest and southwest of the Site (**Plan A-2**). To address possible adverse impact, a 2.5 m high (0.7 mm thick) corrugated metal fence wall would be provided surrounding the workshop area and additional fence wall would be erected for those sides facing domestic structures;
- (f) to address EPD's concerns on possible environmental nuisance, the applicant undertakes to provide the following mitigation measures:
 - (i) all the structures would be setback by at least 1 m from the site boundary;
 - (ii) all operation including loading/unloading and workshop activities would be carried out within enclosed structures;
 - (iii) the operating hours would be restricted from 8:00 a.m. to 6:00 p.m. on Mondays to Saturdays only to minimize noise impact;
 - (iv) movable saw dust collector would be placed adjacent to cutting equipment during operation; and
 - (v) on-site portable/ chemical toilet would be provided.

No Adverse Traffic Impact on the Surroundings

- (g) the proposed temporary development would generate not more than 40 vehicular trips daily, which is the same as the current operation in Kwu Tung North. The timber to be stored within the Site would remain stagnant at all times. Trips for staff/visitors would also be not more than 12 vehicular trips daily. During peak hours, it is estimated that about 14 vehicular trips would be generated and about 14 trips would be attracted. Adequate spaces for manoeuvring of vehicles would be provided within the Site and no queuing of goods vehicles outside the Site would be allowed under any circumstances; and
- (h) the proposed temporary development is accessible directly from Lin Ma Hang Road providing major access to/from Man Kam To Control Point and other areas of North East New Territories. In view of the low traffic generation/attraction from the proposed development, the traffic impact is considered insignificant to existing road network. Based on the preliminary traffic impact assessment, the proposed temporary development would not cause adverse traffic impact on the surroundings.

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 posting site notices and advertising on three local newspapers. For the adjoining Government land, TPB PG-No.31A is not applicable. Detailed information would be deposited at the meeting for Members’ inspection.

4. Previous Applications

- 4.1 Part of the Site is involved in two previous planning applications (No. A/NE-MKT/2 and A/NE-MKT/6) submitted by different applicants.
- 4.2 Planning application No. A/NE-MKT/2 for temporary container trailer park with ancillary storage and office for a period of three years and application No. A/NE-MKT/6 for proposed temporary open storage of construction materials for a period of two years were rejected by the Committee on 7.4.2017 and 22.3.2019 respectively mainly on the grounds of not in line with the planning intention of “AGR” zone; and adverse traffic, environmental and landscape impacts on the surrounding areas.
- 4.3 Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

5. Similar Application

There is no similar application for temporary rural workshop use within the “AGR” zone in the vicinity of the Site in the Man Kam To area.

6. The Site and Its Surrounding Areas (Plans A-1 to A-2 and site photos on Plans A-3a to A-3d)

- 6.1 The Site is:
 - (a) fenced off, largely vacant, partly hard paved and partly covered with wild grasses and structures; and
 - (b) accessible from Lin Ma Hang Road (**Plan A-2**).
- 6.2 The surrounding areas have the following characteristics:
 - (a) the Site is situated in an area of rural landscape character and surrounded predominantly by active and fallow agricultural land, tree clusters and temporary structures;
 - (b) to the north, northwest and northeast of the Site are mainly active/fallow agricultural land, vacant and unused land, domestic structures/ temporary structures for domestic purpose and open storages/ warehouse;

- (c) to the further northeast is a vegetated knoll zoned “Green Belt” and the hillslope of Lo Shue Ling (**Plan A-1**); and
- (d) to the southwest is an existing stream running in a south-north direction with the village cluster of San Uk Ling to the further southwest.

7. 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.

8. Comments from Relevant Government Departments

8.1 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

8.1.1 Comments of Secretary for Development (SDEV):

- (a) the current application is submitted by the Hong Kong & Kowloon Timber Merchants Association Ltd. (HKTMA) to facilitate relocation of several rural workshops owned by six sawmill/timber yard operators which would be displaced by the government-led Kwu Tung North (KTN)/Fanling North New Development Area (NDA) project. These business operators are prepared to move out in accordance with the NDA development programme, but would like to identify sites to re-establish their businesses elsewhere;
- (b) according to the applicant, site search has not been easy for the applicant given the limited supply of private land in the area with the suitable zoning which meet the operational requirements for the rural workshops. The Site proposed in the current application is the only one considered suitable and practicable after an extensive site search carried out by the applicant. The applicant also claims that the proposed rural workshops are not incompatible with the surrounding land uses and would not cause adverse traffic or environmental impacts on the neighbouring area;
- (c) the land freed up by the displaced workshops will together with other cleared land be redeveloped into the KTN NDA, capable of providing about 43,600 public and private housing units in phases starting from 2026 onward. Facilitating relocation of affected brownfield operations including the rural workshops is important to the smooth clearance for and implementation of the NDA project; and
- (d) 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 current application is supported.

Land Administration

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

- (a) the Site comprises private lots and adjoining Government land (GL). The application lots are Old Schedule lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make its own arrangement for acquiring access to the application lots, and there is no guarantee that any adjoining GL will be allowed for the vehicular access to the Site for the proposed use;
- (b) two Government Land Licences (GLLs) i.e. T19189 and T19852 fall within the Site (**Plan A-2**) and are still valid. T19189 was issued in 1978 for cultivation purpose only. T19852 was issued in 1980 for erection of three temporary structures for kitchen and bathroom (14.21 m²), dwelling (47.38 m²) and shade (23.69 m²) use. Please be advised that the proposed development under current application is not permitted under the conditions of the GLLs. The dimensions of the existing structures under T19852 appear not tally with the ones permitted under the conditions of the GLL at the time of inspection. Her office reserves the right to take necessary enforcement action against it;
- (c) as temporary toilets are proposed to be installed on Site, the applicant should note that any proposed toilet facilities should meet current health requirements; and
- (d) if the planning application is approved, the owner(s) of the lots concerned shall apply to this office for a Short Term Waiver (STW) and Short Term Tenancy (STT) covering all the actual occupation area. The application for STW and STT will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW/STT is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by this office.

Traffic

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

- (a) it is noted from the applicant's submission that there would not be more than 40 vehicular trips and not more than 12 trips from staff/ visitors daily. The traffic impact is considered acceptable and the application is considered tolerable from traffic engineering point of view; and
- (b) he has no further comment of the FI (**Appendix Ib**) in terms of manoeuvring of vehicles entering to and exiting from the Site, within the Site and into/out of the parking and loading/unloading spaces.

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

- (a) he has no adverse comment on the application; and
- (b) the section of Lin Ma Hang Road adjacent to the Site is under HyD's maintenance purview. However, a strip of land between Lin Ma Hang Road and the northern portion of the Site (i.e. Site C) falls on unallocated Government land which is outside HyD's maintenance purview (**Plan A-2**). The applicant is required to sort out the maintenance responsibility of the affected unallocated Government land with LandsD if vehicular access is required for the northern portion of the Site.

Environment

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

- (a) he has no in-principle objection to the application subject to the undertaking of the implementation of mitigation measures as proposed by the applicant in paragraphs 2(e) and 2(f) and noting that the operation hours of the Site are between 8:00 a.m. and 6:00 p.m. on Mondays to Saturdays and there would be no operation on Sundays and public holidays;
- (b) the site boundary is about 3 m from the watercourse to the south of the Site and the nearest domestic structures are about 4 m to the west of the Site (**Plan A-2**). Please 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 applications 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, an approval condition on the submission and implementation of environmental mitigation measures is recommended.

Landscape

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

- (a) the Site is situated in an area of rural inland plains landscape character surrounded by village houses to the west, temporary structures and open storages to the north and clustered tree groups. The proposed temporary timber yard and sawmill workshop is considered not entirely incompatible with the existing landscape character in its close proximity;
- (b) according to the recent site inspection in early 2021 (**Plan A-3a**), the Site is partly covered with wild grasses and partly hard paved. Two existing trees of invasive species are found at the northern corner of Site C (**Plan A-2**) while some existing trees of common species in fair condition are

found in the middle and at the northeastern boundary of Sites A and B. With reference to the indicative layout plan (**Drawings A-1 and A-2**), these existing trees within Sites A and B and the two invasive trees within Site C are in conflict with the proposed development. In view that these existing trees are common species in the local environment, significant adverse impact on the existing landscape resources arising from the proposed development is not anticipated; and

- (c) should the application be approved, an approval condition on the submission and implementation of landscape proposal is recommended.

Agriculture

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

- (a) the Site falls within “AGR” zone and is currently comprised of vacant land, abandoned land and temporary structures. Part of the abandoned land, Lot 642 S.A RP in D.D. 90, is dominated by *Dracaena sanderiana* (富貴竹), *Mikania micrantha* (薇金菊) and other wetland associated plants, with some common trees and shrub species recorded along the northern and the northwestern boundary (along Lin Ma Hang Road) of the lot;
- (b) part of the Site (i.e. Lot 642 S.A RP in D.D. 90) is a seasonal wetland with very low diversity of wetland plants. According to the submission, the site boundary has been setback of about 2.7 to 17 m from the existing stream is considered adequate and he has no further comment on the application. The applicant is reminded to avoid impact to the stream during the construction and operation phase of the proposed development; and
- (c) he does not support the application from agricultural point of view as the agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. The Site can be used for other agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc.

Drainage

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

- (a) he has no 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 impact assessment 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.

Fire Services

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

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for fire-fighting being provided to his satisfaction;
- (b) in consideration of the design/ nature of the proposed use, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
- (c) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
- (d) the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (e) should the Timber Stores Ordinance, Cap. 464 be applicable to the application, the applicant is reminded to submit a formal application to the Dangerous Goods Division of his department for application of timber store licence.

Building Matters

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

- (a) he has no objection in-principle under the Buildings Ordinance (BO) to the proposed use on the application site; and
- (b) for any new proposed buildings, his advisory comments are at **Appendix IV**.

Water Supply

8.1.11 Comments of the Chief Engineer/Construction, Water Supplies Department (CE/C, WSD):

- (a) he has no objection to the application; and
- (b) existing water mains will be affected (**Plan A-2**). A waterworks reserve with 1.5 m from the centerline of the water main should be provided to WSD. His other advisory clauses are at **Appendix IV**.

District Officer's Comments

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

- (a) the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of San Uk Ling support the application on the grounds that more job opportunities can be created;
- (b) the RR of Muk Wu and some villagers of Muk Wu object to the application mainly on the grounds that the proposed development will cause adverse traffic impact and environmental pollution to nearby villagers;
- (c) The Chairman of Ta Kwu Ling District Rural Committee (TKLDRC), the IIR of Muk Wu and the incumbent North District Council member of subject constituency have no comment on the application; and
- (d) The RR of Nga Yiu did not respond to the consultation.

8.2 The following Government departments have no comment on / no objection to the application:

- (a) Director of Electrical and Mechanical Services; and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department.

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

- 9.1 On 9.3.2021, the application was published for public inspection. During the statutory public inspection period, 19 public comments were received. Among them, 12 are supporting comments, one indicates no comment and the remaining 6 are objecting comments.
- 9.2 12 supporting comments are from two LegCo Members, a North District Council (NDC) member, Kowloon Chamber of Commerce, three construction/infrastructure companies, a landscaping company, Kwu Tung Village Committee Office, Indigenous Inhabitant Representative (IIR) and two villagers of Muk Wu Village. In gist, they support the application on the grounds that the operators have been actively operating their timber business based in Hong Kong for over 30 years providing great contribution to the timber industry and major Government infrastructural projects; the applicant has encountered difficulties during the site searching exercise; the relocation exercise is on tight schedule; there are job opportunities arising from the proposed development; there would be no adverse traffic and environmental impacts to the surrounding area; and the proposed development is not incompatible with the surrounding area. Another NDC Member indicates no comments on the application.
- 9.3 Six objecting comments including five from WWF-HK, Kadoorie Farm and Botanic Garden, two individuals and an adjoining landowner object to the application on the grounds that the proposed development is not in line with the planning intention of the "AGR" zone; two previously planning applications at the Site were rejected by

the Committee; the timber business under application should be located at other brownfield sites; the proposed development along Lin Ma Hang Road would create accessibility issue to the adjoining lot and induce adverse traffic, noise and pollution problems to the nearby domestic structures; and the approval of the application would set an undesirable precedent for similar applications. One individual claims that she has rented Lot 613 in D.D. 90 for agricultural use in 2019. The Site should continue be used as agricultural use instead of the proposed development under application.

10. Planning Considerations and Assessments

- 10.1 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 (**Plan A-1**). According to the applicant, this application is to facilitate the relocation of six timber operators at Kwu Tung North affected by the KTN NDA development. Whilst the applicant has spent effort in identifying suitable sites to relocate the workshops to a number of alternative locations, those sites were considered not suitable or impracticable due to various issues such as area being too small, sites were sold before commitment, ownership, accessibility or environmental problems, etc. Though the Site is located away from their original occupation in KTN, the Site area (i.e. about 12,086 m²) is similar to their original business in Kwu Tung North (i.e. about 10,348 m²) with a slight increase of about 2.7% to 9.5% taking into account some communal area for access/ circulation space required to be provided with the Site. With the policy objective of ensuring smooth clearance and timely development of the NDA and provision of housing land supply, as well as facilitating the continued operation of displaced brownfield operations still meeting the need of the economy, SDEV supports the application.
- 10.2 The proposed temporary workshop is not in line with the planning intention of the “AGR” zone 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, and DAFC does not support the application from the agricultural perspective mainly on consideration that agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. Nonetheless, it is noted that parts of the Site are currently partly covered with wild grasses and partly hard paved, and the remaining part of the abandoned land is a seasonal wetland with very low diversity of wetland plants. In view of the above with the policy support given by SDEV, 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.
- 10.3 The Site is situated in an area of rural landscape character surrounded by village houses to the west, temporary structures and open storages to the north and clustered tree groups. The proposed temporary timber yard and sawmill workshop is considered not entirely incompatible with the existing landscape character in its close proximity. In view of the Site is partly hard paved with common tree species found in the local environment, CTP/UD&L of PlanD considers that significant adverse impact on the existing landscape resources arising from the proposed development is not anticipated. Given the site boundary has been setback from the existing stream in the south (**Plan A-2**), DAFC also has no further comment on the application from nature conservation point of view.

- 10.4 The Site is directly accessible via Lin Ma Hang Road. C for T, based on the information submitted by the applicant that there would be no more than 40 vehicular trips induced by the proposed development and no more than 12 trips by staff/visitors daily, considers that the traffic impact is acceptable and the application is considered tolerable from traffic engineering point of view. DEP also has no in-principle objection to the application as the applicant undertakes the implementation of relevant mitigation measures; and noting that the operation hours of the Site are between 8:00 a.m. and 6:00 p.m. on Mondays to Saturdays and there would be no operation on Sundays and public holidays. Relevant approval conditions in relation to the submission and implementation of the environmental mitigation measures are also recommended. Moreover, the applicant will be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP to minimize the potential environmental impacts on the surrounding areas. Other relevant Government departments consulted, including CE/MN of DSD, D of FS and CE/C of WSD, have no adverse comment on/no objection to the application.
- 10.5 Part of the Site is involved in two previous planning applications (No. A/NE-MKT/2 and A/NE-MKT/6) submitted by different applicants for uses different from the current application. Both applications were rejected in 2017 and 2019 respectively mainly on the grounds of not being in line with the planning intention of "AGR" zone; and there were adverse traffic, environmental and landscape impacts to the surrounding areas. Unlike the rejected applications, there are no adverse departmental comments on the traffic, environmental and landscape impacts for the current application. In this regard, the planning circumstances of the previous rejected applications are different from the current application.
- 10.6 With respect to the current land dispute raised by a commenter, it should be noted that the applicant has obtained written consent from the current land owner of Lot 613 in D.D. 90 (**Appendix Ib**) and has complied with the requirements as set out in the TPB PG-No. 31A. As for other local objections conveyed from DO(N) of HAD and adverse public comments mentioned in paragraphs 8.1.12 and 9.3 above, the Government department's comments and the planning assessment above are relevant.

11. Planning Department's Views

- 11.1 Based on the assessments made in paragraph 10 and having taken into account the local objections conveyed by DO(N) of HAD and public comments in paragraphs 8.1.12 and 9.3 above, the Planning Department considers that the temporary use under the application could be tolerated for a period of 3 years.
- 11.2 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 30.4.2024. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 6:00 p.m. and 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) the submission of a drainage impact assessment 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 30.10.2021;
- (d) in relation to (c) above, the implementation of drainage proposal identified therein 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 30.1.2022;
- (e) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 30.10.2021;
- (f) in relation to (e) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 30.1.2022;
- (g) the submission of proposals for fire services installations and water supplies for firefighting 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 30.10.2021;
- (h) in relation to (g) above, the implementation of proposals for fire services installations and water supplies for firefighting 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 30.1.2022;
- (i) the submission of proposals for environmental mitigation measures within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 30.10.2021;
- (j) in relation to (i) above, the implementation of proposals for environmental mitigation measures identified therein 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 30.1.2022;
- (k) if any of the above planning conditions (a) or (b) 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;
- (l) if any of the above planning conditions (c), (d), (e), (f), (g), (h), (i) or (j) 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
- (m) 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**.

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

- the proposed development is not in line with the planning intention of the "AGR" zone, which is intended 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 justification in the submission for a departure from such planning intention, even on a temporary basis.

12. Decision Sought

12.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.

12.2 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.

12.3 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.

13. Attachments

Appendix I	Application Form with Attachments received on 2.3.2021
Appendix Ia	Planning Statement received on 2.3.2021
Appendix Ib	Further information received on 15.4.2021
Appendix II	Previous s.16 Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawings A-1 and A-2	Indicative Layout Plans
Plan A-1	Location Plan
Plan A-2	Site Plan
Plans A-3a to A-3d	Site Photos

**PLANNING DEPARTMENT
APRIL 2021**