

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

**APPLICATION NO. A/NE-MKT/32**

**Applicant** : Go Shing (Hopewell) Industrial Limited

**Site** : Lot 610 S.A RP in D.D. 90, Lin Ma Hang Road, Man Kam To, New Territories

**Site Area** : 390m<sup>2</sup> (about)

**Land Status** : Block Government Lease (demised for agricultural use)

**Plan** : Approved Man Kam To Outline Zoning Plan (OZP) No. S/NE-MKT/4

**Zoning** : “Agriculture” (“AGR”)

**Application** : Proposed Temporary Vehicle Repair Workshop with Ancillary Office for a Period of Three Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for a proposed temporary vehicle repair workshop with ancillary office for a period of three years at the application site (the Site), which falls within an area zoned “AGR” on the OZP (**Plan A-1**). According to the Notes of the OZP for “AGR” zone, temporary use or development of any land or buildings not exceeding a period of three years requires planning permission from the Town Planning Board (the Board). The Site is hard-paved, fenced off and is currently vacant with some container-converted structures found within the Site without valid planning permission.
- 1.2 The proposal comprises three single-storey structures (not exceeding 5m in height) with a total floor area of about 101m<sup>2</sup> for office and toilet uses. A total of two private car parking spaces are proposed within the Site. While the applicant claims that the proposed development is for a temporary vehicle repair workshop, no information is provided in the submission on the operation of the workshop (e.g. area to be used for the repair workshop). The operation hours of the proposed development are from 9:00 a.m. to 5:00 p.m. from Mondays to Fridays, with no operation on Saturdays, Sundays and public holidays. The layout plan submitted by the applicant is shown in **Drawing A-1**.
- 1.3 In support of the application, the applicant has submitted the following documents:
  - (a) Application Form with attachments received on 26.9.2023 (Appendix I)
  - (b) Supplementary Information (SI) received on 10.10.2023 (Appendix Ia)

## 2. **Justifications from the Applicant**

The justifications put forth by the applicant in support of the application are detailed at **Appendix I**, as summarized below:

No vehicle repair workshop is found in the vicinity of the Site. The proposed development intends to serve the nearby residents and the approved rural workshop.

## 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. **Background**

The Site is not subject to active planning enforcement action.

## 5. **Previous Application**

The Site is not the subject of any previous application.

## 6. **Similar Application**

There is no similar application for the same use within the same “AGR” zone in the Man Kam To area over the past five years.

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

7.1 The Site is:

- (a) hard-paved, fenced off and is currently vacant with some container-converted structures found within the Site without valid planning permission; and
- (b) accessible via Lin Ma Hang Road to the southeast.

7.2 The surrounding areas are characterized by temporary open storages/storage yards/warehouses subject to planning enforcement actions, a rural workshop approved in 2021, active/fallow agricultural land, tree clusters and vacant land. To the further north is the village cluster of Muk Wu (**Plan A-1**).

## 8. **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.

## 9. Comments from Relevant Government Departments

9.1 Apart from the government departments as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comments on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices II** and **III** respectively.

9.2 The following government departments have objection to/comments on the application.

### Agriculture

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

- (a) does not support the application from agricultural perspective; and
- (b) the agricultural activities are active in the vicinity, and agricultural infrastructures such as road access and water source are also available. The Site can be used for agricultural activities such as open-field cultivation, greenhouses, plant nurseries, etc. The Site possesses potential for agricultural rehabilitation.

### Traffic

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

- (a) the applicant should provide the following information/assessment for his consideration:
  - (i) to advise and substantiate the traffic generation from and attraction to the Site and the traffic impact on the nearby road links and junctions;
  - (ii) to illustrate on a layout plan and justify the adequacy of the parking spaces and loading/unloading (L/UL) spaces so provided by relating to the numbers of vehicles visiting the Site;
  - (iii) to advise the width of the vehicular access leading to the Site;
  - (iv) to demonstrate the satisfactory manoeuvring of vehicles entering to and exiting from the Site, manoeuvring within the Site and into/out of the parking and L/UL spaces, preferably using the swept path analysis;
  - (v) to advise the management/control measures to be implemented to ensure no queueing of vehicles outside the Site;
  - (vi) to advise the provision and management of pedestrian facilities to ensure pedestrian safety; and
  - (vii) to advise the measures in preventing illegal parking by visitors to the Site.

### District Officer's Comments

#### 9.2.3 Local views/comments conveyed by the District Officer (North), Home Affairs Department (DO(N), HAD):

- (a) the 1<sup>st</sup> Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative (IIR) and the Resident Representative (RR) of Muk Wu, the IIR of San Uk Ling and RR of Nga Yiu object to the application on grounds that the proposed development would induce adverse traffic impact on the surrounding areas, in particular poses road safety threats to villagers; and unauthorized filling works have been conducted at the Site without planning approval; and
- (b) the Chairman of Fung Shui Area Committee, the RRs of Nga Yiu and San Uk Ling do not reply.

### **10. Public Comments Received During Statutory Publication Period**

On 13.10.2023, the application was published for public inspection. During the statutory public inspection period, four public comments were received (**Appendix IV**), including one from the Chairman of Sheung Shui District Rural Committee who indicates no comment on the application and the remaining three from Kadoorie Farm & Botanic Garden Corporation and individuals objecting to the application. The major grounds of objection are that unauthorized building works have been carried out before obtaining planning approval; the proposed development would induce adverse traffic impact on the surrounding areas; poses road safety threats to villagers of Muk Wu; and approval of the application would encourage proliferation of brownfield operations along Lin Ma Hang Road.

### **11. Planning Considerations and Assessments**

- 11.1 The application is for a proposed temporary vehicle repair workshop with ancillary office for a period of three years at the Site zoned "AGR" on the OZP. The planning intention of the "AGR" zone is 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. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. The proposed development is considered not in line with the planning intention of the "AGR" zone. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 11.2 The Site is located in an area characterized by open storages/storage yards/warehouses subject to planning enforcement actions, a rural workshop approved in 2021, active/fallow agricultural land, tree clusters and vacant land. Chief Town Planner/Urban Design and Landscape of Planning Department has no objection to the application and considers that significant adverse impact on the landscape character and the existing landscape resources within the Site arising from the proposed use are not anticipated.
- 11.3 In traffic terms, C for T advises that the applicant should provide information/assessment in relation to traffic generation/attraction, adequacy of parking and L/UL spaces and management of pedestrian facilities, etc., without which potential traffic impact arising from the proposed development could not be ascertained. Other relevant departments consulted,

including CE/MN of DSD, DEP, D of FS and CE/C of WSD, have no objection to/no adverse comment on the application.

- 11.4 The Site is not the subject of any previous application and there is no similar application within the same “AGR” zone in the vicinity of the Site over the past five years.
- 11.5 Regarding the objecting comments as detailed in paragraph 10 and the local views/comments conveyed by DO(N) in paragraph 9.2.3 above, the government departments’ comments and planning assessments 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 views conveyed by DO(N), HAD and the public comments mentioned in paragraphs 9.2.3 and 10 respectively, the Planning Department does not support the application for the following reasons:
  - (a) the proposed development 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. It is intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis; and
  - (b) the applicant fails to demonstrate in the submission that the proposed development would not generate adverse traffic impact on the surrounding areas.
- 12.2 Alternatively, should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 24.11.2026. The following conditions of approval and advisory clauses are suggested for Members’ reference:

### **Approval Conditions**

- (a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Saturdays, 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 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 24.5.2024;
- (d) in relation to (c) 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 24.8.2024;
- (e) in relation to (d) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (f) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or

of the Town Planning Board by 24.5.2024;

- (g) in relation to (f) above, the implementation of the FSIs proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 24.8.2024;
- (h) the submission of a traffic management proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 24.5.2024;
- (i) in relation to (h) above, the implementation of the traffic management proposal within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 24.8.2024;
- (j) the submission of the design of vehicular run-in/run-out to the Site within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.5.2024;
- (k) in relation to (j) above, the provision of vehicular run-in/run-out to the Site within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the Town Planning Board by 24.8.2024;
- (l) if any of the above planning condition (a), (b) or (e) 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;
- (m) if any of the above planning condition (c), (d), (f), (g), (h), (i), (j) or (k) 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
- (n) 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 III**.

### **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 reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicant.
- 13.3 Alternatively, 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. Attachments**

<b>Appendix I</b>	Application Form received on 26.9.2023
<b>Appendix Ia</b>	SI received on 10.10.2023
<b>Appendix II</b>	Government Departments' General Comments
<b>Appendix III</b>	Recommended Advisory Clauses
<b>Appendix IV</b>	Public Comments
<b>Drawing A-1</b>	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 A-4b</b>	Site Photos

**PLANNING DEPARTMENT  
NOVEMBER 2023**