

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/35

<u>Applicant</u>	Hong Kong & Kowloon Timber Merchants Association Limited (港九木行商會有限公司) represented by Toco Planning Consultants Limited
<u>Site</u>	Lot 129 S.A (Part) in D.D. 86 and Lots 607, 608, 609, 610 S.B RP, 611, 612 (Part), 613 (Part), 614, 616, 618 (Part), 619 (Part), 621, 622 S.A (Part), 622 RP, 624 (Part), 627 (Part), 628, 629, 632 S.A RP, 633 S.A RP (Part), 635 S.A, 635 S.B-D, 637 S.A, 637 RP, 638 S.A, 638 RP (Part) and 642 S.A RP (Part) in D.D. 90 and Adjoining Government Land (GL), Lin Ma Hang Road, Sha Ling, New Territories
<u>Site Area</u>	About 20,512.5m ² (Includes GL of about 4,178.2m ²)
<u>Land Status</u>	<ul style="list-style-type: none">- Block Government Lease (demised for agricultural use) (about 79.6% of the Site)- GL (about 20.4% 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 Warehouse (Timber and Other Associated Materials) for a Period of Three Years and Associated Filling of Land

1. The Proposal

- 1.1 The applicant seeks planning permission for a proposed temporary warehouse (timber and other associated materials) for a period of three years and associated filling of land at the application site (the Site). The Site falls within an area zoned “AGR” on the OZP (**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 Notes of the OZP also state that filling of land within the “AGR” zone require planning permission from the Board. Majority of the Site is hard paved, fenced off and occupied by temporary structures for storage of timber, which was subject to a previously approved application submitted by the same applicant for proposed temporary rural workshop (timber yard and sawmill) (Application No. A/NE-MKT/17) (**Plans A-4b** and **A-4c**); and the remaining part of the Site is largely covered with grass and vacant with some farming activities (**Plan A-4a**).
- 1.2 The previously approved application (No. A/NE-MKT/17) covering part of the Site (**Plan A-1**) was to facilitate the relocation of six timber yards and sawmill workshops in Kwu Tung North affected by government project, i.e. the Kwu Tung North New

Development Area (KTN NDA). The planning permission was revoked in 2023 due to non-compliance with approval conditions in relation to implementation of drainage and fire service installations (FSIs) proposals and proposals for environmental mitigation measures. The current application is submitted to facilitate the relocation of the original six operations covered in the previously approved application and two more operations affected by KTN NDA (i.e. eight affected brownfield operations involving 11 sites in KTN in total. According to the applicant, the affected sites in KTN are either resumed in 2021 or to be resumed in 2024 by the Government.

- 1.3 The Site comprises the area under the previously approved application (No. A/NE-MKT/17) bisected by Lin Ma Hang Road (i.e. “Portion A”) and additional land in the northwest and east (i.e. “Portion B”) (**Plan A-2**). The proposed use consists of (i) ten single-storey temporary structures of about 12m in height and a gross floor area (GFA) of about 13,485.7m² mainly for storage of timber and construction materials; (ii) two single-storey sheds of about 8m in height and a GFA of about 331.1m² for loading/unloading (L/UL) of timber and temporary storage purpose; (iii) one 2-storey structure of about 5m in height and a GFA of about 366m² for ancillary office use; and (iv) one 2-storey structure of about 6m in height and a GFA of about 80m² for guard house and store room uses. The total floor area is about 14,262.9m² (**Drawing A-1**). The existing metal fence wall will be maintained while a 2.5m high corrugated metal peripheral fence wall will be erected for the remaining part of the Site to minimize nuisance to the surroundings (except for the northwestern boundary which would be reserved for a landscape buffer strip for tree planting). Vehicular ingress/egress of 7.3m wide provided under the previously approved application on each side of the Site along Lin Ma Hang Road will be maintained. A total of 12 private car parking spaces and 12 bays for heavy/medium goods vehicles (HGVs/MGVs) and container vehicles/HGVs are proposed within the Site¹. The operation hours of the proposed use are between 8:00 a.m. and 6:00p.m. from Mondays to Saturdays, with no operation on Sundays and public holidays. The applicant also applies for regularization of land filling of about 11,730m² of the Site and filling of the unformed area (i.e. about 8,318m²) with concrete by not more than 0.2m in depth for construction of structures and circulation area. The layout plan submitted by the applicant is in **Drawing A-1**.
- 1.4 In support of the application, the applicant submitted Traffic Impact Assessment (TIA), Environmental Proposal (EP), Drainage Impact Assessment (DIA) and Tree Preservation and Landscaping Proposal (TP&LP) ², which confirm that no insurmountable adverse traffic, environmental, drainage and landscape impacts arising from the proposed use are anticipated.

Traffic Aspect

- 1.5 Adequate space will be provided within the Site for manoeuvring of vehicles. To ensure no queuing of vehicles on Lin Ma Hang Road, appointment will be required for goods vehicles to/from the Site and a staff will be deployed to assist and direct long vehicles entering/exiting the Site. Other traffic management measures, including traffic signs (such as ‘stop and give way’ and ‘beware of pedestrians’) and flashing

¹ Seven L/UL bays for MGVS/HGVs and five L/UL bays for container vehicles/HGVs are proposed within the Site.

² Although the planning approval was revoked due to non-compliance with some approval conditions, the applicant has continued to implement the drainage, FSIs and landscape proposals and proposals for environmental mitigation measures accepted under the previously approved application after the revocation and they were substantially completed. These implemented proposals/measures have been taken into account in the submitted technical assessments and the applicant advised that they will be maintained should the current application be approved by the Board.

light and alarm system would be erected at the entrance of the Site to ensure pedestrian safety.

Environmental Aspect

- 1.6 Environmental mitigation measures proposed under the previously approved application had been implemented and will be maintained, including the provision of 2.5m high corrugated metal fence wall along the site boundary; and adoption of foam surrounding steel plate and rockwool board for construction of structures to minimize noise impact, etc.
- 1.7 No workshop activities will be carried out within the Site and noise impact arising from the proposed use is not anticipated. In terms of sewage treatment, portable toilets are proposed and the collected sewage will be tanked away by licenced contractor regularly³. Adverse sewerage impact from the proposed use is not anticipated. The applicant also undertakes to comply with 'Professional Persons Environmental Consultative Committee Practice Notes (ProPECC) 2/23' and other relevant environmental protection ordinances to avoid possible environmental impact on the surroundings.

Drainage Aspect

- 1.8 The implemented drainage facilities under the previously approved application, including the existing storage tanks and drainage channels, will be maintained. To cater for the additional runoff, peripheral channels/pipe drainage system and three additional storage tanks will be provided within the Site (**Drawing A-2**). To avoid possible impact on the existing streamcourse, a setback distance of not less than 3m has been provided in the southwestern part of the Site.

Landscape Aspect

- 1.9 The existing 2m wide planting strip implemented under the previously approved application along each side of Lin Ma Hang Road will be maintained. According to the updated tree survey, a total of 14 trees in poor/fair condition are recorded and proposed to be felled. To compensate for the loss of trees and to maintain a verdant ambiance to the Site, 17 trees are proposed to serve as a landscape buffer, of which 13 trees will be planted along the northwestern boundary of the Site (with no fence wall to allow seamless blending with the surrounding environment) and four trees will be planted along Lin Ma Hang Road (**Drawing A-3**). A compensation ratio of 1:1 in terms of aggregated diameter at breast height (DBH) could be achieved.

Geotechnical Safety

- 1.10 Portion B adjoins a vegetated knoll/hillslope (**Plans A-2 and A-4d**). The applicant undertakes to closely monitor the condition of the slope.
- 1.11 In support of the application, the applicant has submitted the following documents:
- (a) Application Form received on 12.4.2024 (**Appendix I**)
 - (b) Supplementary Planning Statement (SPS) with technical assessments (**Appendix Ia**)
 - (c) Supplementary Information (SI) received on 16.4.2024 (**Appendix Ib**)

³ Exact frequency of the desludging services will be subject to the actual operation of the proposed use.

- (d) Further Information (FI) received on 27.5.2024 (Appendix Ic)
(accepted but not exempted from publication and recounting requirements)
- (e) FI received on 11.6.2024 (Appendix Id)
(accepted and 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 **Appendices Ia to Id**, as summarized below:

- (a) approval of the application would allow the eight affected brownfield operators involving 11 sites (i.e. about 16,617.3m²), who are the key players in timber and related industry, to continue their business and maintain the timber supply of Hong Kong;
- (b) whilst the applicant has carried out site search in the territory for reprovisioning of their businesses in various areas including Hung Lung Hang, Ta Kwu Ling, Sha Tau Kok, etc., those sites were considered not suitable taking into account affordability and area being too small, etc.;
- (c) there is an urgent need for relocation of the affected operations considering that majority of the affected sites had been resumed by the Government in 2021 and the remaining land is targeted to be resumed in 2024;
- (d) the proposed use is compatible with the surrounding land uses which are dominated by workshops, abandoned land, warehouses and open storage yards;
- (e) approval of the application would not frustrate the long-term planning intention of the “AGR” zone. The applicant undertakes to reinstate the Site to an amenity area upon expiry of the planning approval;
- (f) part of the Site is the subject of a previously approved application for temporary rural workshop (timber yard and sawmill) submitted by the same applicant as the current application;
- (g) technical assessments have been conducted and confirmed that, with the implementation of mitigation measures, adverse drainage, landscape, traffic and environmental impacts arising from the proposed use are not anticipated; and
- (h) the applicant has complied with most of the approval conditions in the previously approved application. Whilst the applicant had strived to comply with all the remaining approval conditions relating to the implementation of the drainage and FSIs proposals and the proposals for the environmental mitigation measures, such conditions could only be fulfilled after obtaining approvals from relevant authority under land administration regime. In view of the large site area and complicated land ownership issues, land application was still being processed at that moment of time, which had led to unexpected delay of construction works and revocation of the previous approval. As such, a fresh application is required. The applicant has obtained most of the Short Term Waiver and Short Term Tenancy from Lands Department in relation to the previously approved application. Implementation of

the drainage, FSIs and landscape proposals and environmental mitigation measures accepted under the previously approved application were also substantially completed.

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.32B) by sending a notice to Ta Kwu Ling District Rural Committee and publishing notices in local newspapers. Detailed information would be deposited at the meeting for Members’ inspection. For the portion falling within GL, TPB PG-No.32B is not applicable.

4. Background

The Site is not the subject of any active planning enforcement action.

5. Previous Applications

- 5.1 The Site is in part the subject of three previous applications (No. A/NE-MKT/2, A/NE-MKT/6 and A/NE-MKT/17) for different temporary uses. Details of the previous applications are summarized at **Appendix II** and their locations are shown on **Plans A-1** and **A-2**.
- 5.2 Applications No. A/NE-MKT/2 and A/NE-MKT/6 for temporary container trailer park and open storage of construction materials were rejected by the Rural and New Town Planning Committee (the Committee) of the Board on 7.4.2017 and 22.3.2019 respectively, but their planning considerations are not relevant to the current application as they are of different uses.
- 5.3 The last application (No. A/NE-MKT/17) for temporary rural workshop (timber yard and sawmill) submitted by the same applicant as the current application for relocation of six brownfield operations affected by KTN NDA was approved by the Committee on 30.4.2021 mainly on considerations that the proposed use was not entirely incompatible with the surrounding uses; no major adverse departmental comments on the application; and Secretary of Development (SDEV) rendered policy support to the application. The applicant has complied with approval conditions on the submission of drainage, landscape and FSI proposals and proposals for environmental mitigation measures, as well as implementation of the landscape proposal. However, the planning permission was revoked on 30.11.2023 due to non-compliance with approval conditions relating to implementation of the drainage and FSIs proposals and proposals for environmental mitigation measures.
- 5.4 Compared with the previously approved scheme, the current proposal involves a change in the proposed use (i.e. from ‘rural workshop’ to ‘warehouse’ use due to relocation of re-sawing activities to Mainland China), as well as an increased site area and a revised layout and development parameters to facilitate relocation of two additional brownfield operations. A comparison of the major development parameters between the current and the previously approved applications is set out below:

Major Development Parameters	Previous Application (A/NE-MKT/17) (a)	Current Application (A/NE-MKT/35) (b)	Difference (b) – (a)
Proposed Use	Temporary Rural Workshop (Timber Yard and Sawmill)	Temporary Warehouse (Timber and Other Associated Materials)	From ‘Rural Workshop’ to ‘Warehouse’ use
Site Area (about)	12,085.9m ²	20,512.5m ²	+8,426.6m ² (or about 69.7%)
No. of Structures	10	14	+4
Total Floor Area	9,786.4m ²	14,262.9m ²	+4,476.5m ² (or about 45.7%)
Building Height	Not more than 12m	Not more than 12m	-
No. of Parking Spaces	10	12	+2
No. of L/UL Bays	6	12	+6

6. Similar Applications

- 6.1 There are three similar applications (No. A/NE-MKT/25, 26 and 29) for temporary warehouse and/or open storage uses within the same “AGR” zone in the Man Kam To area in the past five years. All the applications were rejected by the Committee or the Board on review in 2023 for the reasons of not in line with the planning intention of the “AGR” zone; adverse departmental comments on the applications in that the applicants failed to demonstrate that the proposed uses would not induce adverse traffic, drainage and environmental impacts on the surrounding areas; and/or not in line with Town Planning Board Guidelines No. PG-No. 13G.
- 6.2 Details of the similar applications are summarized at **Appendix III** and their locations are shown on **Plan A-1**.

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

- 7.1 The Site is:
- (a) divided by Lin Ma Hang Road;
 - (b) largely hard-paved, fenced off and occupied by temporary structures for storage of timber; while the remaining part of the Site is largely covered with grass and vacant with some farming activities (**Plan A-4a**); and
 - (c) accessible via Lin Ma Hang Road (**Plan A-2**).
- 7.2 The surrounding areas are predominantly intermixed with open storage yards, warehouses, domestic structures, fallow agricultural land and tree clusters. To the immediate northwest is a vegetated knoll/hillslope zoned “Green Belt” (“GB”). To the southwest is an existing stream running in a south-north direction.

8. Planning Intention

- 8.1 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.
- 8.2 According to the Explanatory Statement of the OZP, as filling of land may cause adverse drainage and environmental impact on the adjacent areas, permission from the Board is required for such activities.

9. Comments from Relevant Government Departments

- 9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 respectively below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices IV and V** respectively.
- 9.2 The following government bureau supports the application:

Policy Support

9.2.1 Comments of the SDEV:

- (a) it is understood that the Site is the subject of a previous application No. A/NE-MKT/17 submitted by the same applicant (i.e. Hong Kong & Kowloon Timber Merchants Association Ltd.), which sought planning permission for a temporary rural workshop in relation to timber yard and sawmill for a period of three years to facilitate relocation of six sawmill/timber yard operators displaced by the government-led KTN NDA project. The planning application was approved by the Board in April 2021;
- (b) as compared with the previous application, the current application seeks to accommodate eight brownfield operators, which includes two additional affected brownfield operators (i.e. Serawak (K.T.) Company Ltd. and Ronca Exhibition Ltd.), for a period of three years. The proposed use is also changed from ‘rural workshop’ to ‘warehouse’ to reflect that re-sawing services is no longer required for the timber operations. According to the applicant, the proposed use is compatible with the surrounding areas, and will not result in any significant traffic, environmental, drainage and sewerage, etc. impact;
- (c) the land freed up by the displaced operations will, together with other cleared land, be redeveloped into the KTN NDA capable of providing about 49,900 housing units by phases. Facilitating relocation of affected brownfield operations is crucial to the smooth clearance for and implementation of the NDA project. Given the above, support to the current application is maintained from the perspective of ensuring timely development of the NDA and delivery of the housing

yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the need of economy; and

- (d) it should be note that the Site falls within the boundary of the Planning and Engineering Study of the New Territories North New Town of which the development proposal is targeted to be released later in 2024. The Site will likely be required for other uses in due course while we have no objection to the proposed temporary use of the Site for a period of three years only under the current planning application.

9.3 The following government departments have comments on the application/do not support the application/and conveyed local views on the application.

Agriculture and Nature Conservation

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

Agriculture

- (a) does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation;
- (b) agricultural activities are active on part of the Site and 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.; and

Nature Conservation

- (c) the Site is largely paved and disturbed with agricultural land found within the Site. While she has no strong view on the application from nature conservation perspective, the applicant is reminded to avoid adverse impact to the nearby natural environment, including watercourse and marshes, during construction and operation of the proposed use should the application be approved.

Environment

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

- (a) does not support the application from environmental perspective as there are residential structures in the vicinity of the Site (the nearest to the immediate west) (**Plan A-2**) and use of heavy vehicles is involved;
- (b) no particular comment on the proposed filling of land provided that the applicant would strictly comply with all environmental protection/pollution control ordinances, in particular, the Water and Noise Pollution Control Ordinances;

- (c) detailed comments on the EP are appended at **Appendix V**; and
- (d) four substantiated environmental complaints relating to waste disposal were received in the past three years.

Landscape

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

- (a) the Site is located in an area of rural inland plains landscape character surrounded by open storages, temporary structures, farmland, tree clusters and woodland within the “GB” zone in the immediate northwest and further east of the Site; and
- (b) having reviewed the FI submitted by the applicant, it is noted that the proposed tree treatment remains unchanged, i.e. 14 existing trees to be felled and 17 new trees are proposed. The applicant would ensure that tree compensation ratio of 1:1 in terms of number of trees to be felled and aggregated DBH would be achieved. The applicant has clarified that a 2m wide landscape buffer strip with no fence walls/fencing wall will be provided along the northern boundary to allow seamless blending with the surrounding greenery and sufficient growing space for the proposed new trees. Further noticeable change of landscape character within the “AGR” zone of Portion B is anticipated, where the “GB” zone is in close proximity to the north of the Site.

District Officer’s Comments

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

- (a) one member of North District Council (NDC) supports the application on the reason that the proposed use would support the development of the Northern Metropolis;
- (b) one member of NDC and one local object to the application on the grounds that the proposed use would generate adverse environmental impact; led to flooding; and blocked villagers’ access;
- (c) five members of NDC and the Indigenous Inhabitant Representative (IIR) of Muk Wu have no comment on the application; and
- (d) an objecting letter from an individual (representing four other individuals) was received by DO(N), HAD. The main ground of objection is that the proposed use has led to flooding.

10. Public Comments Received During Statutory Publication Periods

- 10.1 On 19.4.2024 and 31.5.2024, the application was published for public inspection. During the statutory public inspection periods, a total of 13 public comments were

received, in which seven support, three object and three indicating no comment on the application (**Appendices VIa to VIc**).

Supporting Comments

- 10.2 The seven supporting comments are from two members of Legislative Council, Kowloon Chamber of Commerce and four construction/infrastructure companies (**Appendix VIa**). Their supporting grounds are 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; approval of the application would facilitate relocation of brownfield operators in the KTN area, allowing the operators to continue their business and support the construction, manufacturing and logistics industries of Hong Kong; the proposed use could provide job opportunities and better utilize land resources; and the application on three-years basis would not frustrate the long-term planning intention of the “AGR” zone.

Objecting Comments

- 10.3 The three objecting comments are from an IIR of San Uk Ling and two individuals (**Appendix VIb**). Their objecting grounds are that the applicant failed to comply with approval conditions under the previously approved application; the Site is occupied by warehouses not for storage of timber and has created adverse traffic and drainage impacts on the surrounding areas; the operators should make efficient use of land in the form of modern stacking components, etc.
- 10.4 The remaining three comments, of which two from the Chairman of Sheung Shui District Rural Committee and one from an individual, indicate no comment on the application (**Appendix VIc**).

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary warehouse (timber and other associated materials) for a period of three years and associated filling of land at the Site falling within the “AGR” zone on the OZP (**Plan A-1**). The planning intention of the “AGR” zone 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. DAFC does not support the application from the agricultural perspective as the Site possesses potential for agricultural rehabilitation. Nevertheless, majority of the Site was subject to a previous application approved by the Committee in 2021 for temporary rural workshop (timber yard and sawmill) to facilitate relocation of six brownfield operations affected by the KTN NDA. Since the planning approval was revoked in 2023, the current application is submitted by the same applicant to facilitate the relocation of these six affected operations, as well as two additional brownfield operations also affected by the KTN NDA. With the policy objective of ensuring timely development of the NDA and delivery of housing yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the need of the economy, SDEV supports the application. Taking into account the planning assessments below and with the policy support given by SDEV, sympathetic consideration could be given to the proposed use on a temporary basis of three years.

- 11.2 The application involves filling most of the Site with concrete of not more than 0.2m in depth for construction of structures and circulation area. Filling of land within the “AGR” zone requires planning permission from the Board as it may cause adverse drainage and environmental impacts on the adjacent areas. In this regard, the applicant has submitted a DIA and EP under the current application. Chief Engineer/Mainland North, Drainage Services Department has no objection in principle to the application from public drainage perspective provided that a revised DIA is to be submitted by the applicant afterwards. In this regard, approval conditions on submission of a revised DIA and implementation of the flood mitigation measures proposed in the DIA and any other stormwater drainage facilities are recommended in paragraphs 12.2(d) and (e) respectively. DEP has no particular comment on the proposed filling of land provided that the applicant would strictly comply with all the environmental protection/pollution control ordinances. DEP’s advice is included in the Recommended Advisory Clauses at **Appendix V**. An approval condition requiring the reinstatement of the Site to an amenity area is also recommended should the Committee decide to approve the application.
- 11.3 The Site is situated in an area of rural character intermixed with open storage yards, warehouses, domestic structures, fallow agricultural land and tree clusters. To the immediate northwest is a vegetated knoll/hillslope zoned “GB”. The proposed use is not entirely incompatible with the surrounding uses. While CTP/UD&L of PlanD advises that further noticeable change of landscape character within the “AGR” zone of Portion B is anticipated, majority of the Site is hard paved and occupied by temporary structures subject to a previously approved application. To serve as a landscape buffer to the “GB” zone, the applicant proposes a 2m wide landscape buffer strip with no fence walls to plant trees along the northwestern boundary, to allow seamless blending with the surrounding greenery.
- 11.4 The Site abuts Lin Ma Hang Road. Having reviewed the FI, Commissioner for Transport has no comment on the application from traffic engineering perspective. DEP considers that the application should not be supported as the proposed use involves the use of heavy vehicles and environmental nuisance to the sensitive receivers (i.e. residential structures) in the vicinity of the Site is expected (**Plan A-2**). In this regard, the applicant is advised to properly implement the mitigation measures as required under the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ in the Recommended Advisory Clauses at **Appendix V**. Other relevant departments consulted, including Director of Fire Services and Chief Engineer/Construction of Water Supplies Department, have no adverse comment on/no objection to the application.
- 11.5 Majority of the Site is the subject of a previous application (No. A/NE-MKT/17) for temporary rural workshop (timber yard and sawmill) approved by the Committee in 2021 with policy support from SDEV to facilitate relocation of brownfield operations affected by the KTN NDA (as detailed in paragraph 5.3). The planning permission was revoked in 2023 due to non-compliance with approval conditions relating to implementation of the drainage and FSIs proposals and proposals for environmental mitigation measures. In the current application, the applicant has submitted a DIA, EP and FSIs proposals in support of the application. When compared to the previously approved application, the current application has changed the proposed use from temporary rural workshop to warehouse, and increased the site area with revised layout and development parameters to accommodate two additional brownfield operations affected by the KTN NDA. The planning circumstances of the current application are similar to the approved one. As such, approval of the current

application is considered in line with the Committee's previous decision.

- 11.6 There were three similar applications in the same "AGR" zone in vicinity of the Site in the Man Kam To area in the past five years. The applications were rejected by the Committee or the Board on review in 2023 mainly on grounds as detailed in paragraph 6 above. The planning circumstances of the current application are different from the rejected ones.
- 11.7 Regarding the local comments conveyed by DO(N), HAD and the public comments as detailed in paragraphs 9.3.4 and 10 above respectively, 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 comments conveyed by DO(N) of HAD and the public comments in paragraphs 9.3.4 and 10 above respectively, the Planning Department considers that the proposed use under the application could be tolerated for a period of three years.
- 12.2 Should the Committee decide to approve the application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 19.7.2027. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) the existing vehicular run-in/run-out to the Site shall be maintained at all times during the planning approval period;
- (b) the submission of a geotechnical planning review report before the commencement of any construction works or operation including site formation works within Portion B to the satisfaction of the Director of Civil Engineering and Development Department or of the Town Planning Board;
- (c) in relation to (b) above, the implementation of necessary remedial works identified therein before the commencement of any construction works or operation including site formation works within Portion B to the satisfaction of the Director of Civil Engineering and Development Department or of the Town Planning Board;
- (d) the submission of a revised 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 19.1.2025;
- (e) in relation to (d) above, the provision of flood mitigation measures and any other stormwater drainage facilities in the accepted drainage impact assessment 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 19.4.2025;
- (f) in relation to (e) above, the implemented flood mitigation measures and any other stormwater drainage facilities shall be maintained at all times during the planning approval period;

- (g) the submission of a fire service installations 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 19.1.2025;
- (h) in relation to (g) above, the implementation of the fire services installations 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 19.4.2025;
- (i) the implementation of traffic management measures, as proposed by the applicant, within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 19.4.2025;
- (j) in relation to (i) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (k) if any of the above planning condition (a), (f) or (j) 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 condition (b) or (c) is not complied with before the commencement of any construction works or operation including site formation works within Portion B, 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 (d), (e), (g), (h) or (i) 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 V**.

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

- the proposed use with associated filling of land 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 the planning intention, even on a temporary basis.

13. Decision Sought

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant the permission.
- 13.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition(s) and advisory clause(s), if any, to be attached to the

permission, and the period of which the permission should be valid on a temporary basis.

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

14. Attachments

Appendix I	Application Form received on 12.4.2024
Appendix Ia	SPS with technical assessments
Appendix Ib	SI received on 16.4.2024
Appendix Ic	FI received on 27.5.2024
Appendix Id	FI received on 11.6.2024
Appendix II	Previous Applications
Appendix III	Similar Applications
Appendix IV	Government Departments' General Comments
Appendix V	Recommended Advisory Clauses
Appendices VIa to VIc	Public Comments
Drawing A-1	Layout Plan
Drawing A-2	Drainage Plan
Drawing A-3	Landscape Proposal
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4d	Site Photos

**PLANNING DEPARTMENT
JULY 2024**