

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-MKT/38

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 : About 390m²

Lease : 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 Office for a Period of Three Years

1. The Proposal

- 1.1 The applicant seeks planning permission for proposed temporary office for a period of three years 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 within the “AGR” zone requires planning permission from the Town Planning Board (the Board). The Site is currently fenced off and vacant with filling of land without valid planning permission.
- 1.2 According to the applicant, the application is submitted to facilitate partial relocation¹ of a brownfield operation (i.e. timber yard and workshop) affected by Kwu Tung North New Development Area (KTN NDA) at the original site (i.e. Lot 331 in D.D. 95) which will be resumed by the Government. The proposed office is planned to facilitate the temporary work arrangement and inspection of the construction of the new timber yard and workshop in Lin Ma Hang during the transition period² until the full relocation is

¹ According to the applicant, the concerned brownfield operator (i.e. Kin Hing Timber Engineering Limited) is the tenant of the applicant (i.e. Go Shing (Hopewell) Industrial Limited) at the original site. The applicant will assist them in relocating their business to the new site, and provide a temporary office at the current site for interim operation. The existing office involves two single-storey temporary structures operated by about 10 staff.

² According to record, the applicant has submitted a planning application (No. A/NE-TKLN/89) for proposed temporary warehouse for storage of timber and other associated materials for a period for three years to facilitate the relocation of the business operation affected by KTN NDA, but the application does not include proposed office space. The Rural and New Town Planning Committee (the Committee) agreed to the applicant’s request to defer making a decision on the application for a period of two months on 25.10.2024 for preparation of further information to address outstanding issues.

completed.

- 1.3 The Site is abutting Lin Ma Hang Road to the south (**Plan A-2**). According to the submission, the proposed use consists of one single-storey temporary structure of about 4m in height with a total floor area of 100m² for office purpose. A total of four private car parking spaces are proposed within the Site, including three designated for staff. The operation hours of the proposed use are between 9:00 a.m. and 5:30 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**. The applicant indicates that the proposed use does not involve filling of land and/or excavation of land.
- 1.4 According to the applicant, sufficient space will be provided within the Site for manoeuvring of vehicles. To ensure pedestrian safety, various traffic management measures, including erection of traffic signs, flashing light and alarm system and surveillance cameras at the ingress/egress of the Site, would be implemented. A staff will be deployed to assist and direct the vehicles entering/exiting the Site, as well as to monitor the condition of the entrance to prevent illegal parking by visitors to the Site.
- 1.5 In support of the application, the applicant has submitted the following documents:
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|-----|---|------------------------|
| (a) | Application Form with attachments received on 19.7.2024 | (Appendix I) |
| (b) | Supplementary Information (SI) received on 23.7.2024 | (Appendix 1a) |
| (c) | SI received on 26.7.2024 | (Appendix Ib) |
| (d) | Further Information (FI) received on 18.9.2024* | (Appendix Ic) |
| (e) | FI received on 29.8.2024* | (Appendix Id) |
| (f) | FI received on 30.9.2024* | (Appendix Ie) |
- * accepted and exempted from publication and recounting requirements*
- 1.6 On 6.9.2024, the Rural and New Town Planning Committee (the Committee) of the Board decided to defer making a decision on the application as requested by the applicant for two months to address departmental comments.

2. Justifications from the Applicant

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

- (a) the proposed use is to facilitate the relocation of brownfield operations (i.e. timber yard and workshop) affected by KTN NDA development. The concerned company affected by KTN NDA has a pressing need to set up the proposed office for interim operation;
- (b) the proposed use is in support of meeting the surging demand for office spaces in the border area, as there is a lack of such facilities near the area of Liantang/Heung Yuen Wai Boundary Control Point. The area has good accessibility as it is well-served by existing road network and public transport;
- (c) the applicant have conducted a site search to identify suitable site for the relocation of the affected brownfield operation. The site in Lin Ma Hang is considered most suitable for office operation as it is in close proximity to the future relocated site (approximately 5 to 8 minutes by car); and the adverse impact to the local neighbourhood is considered insignificant; and

- (d) no significant adverse impacts in terms of environmental, traffic, landscape, etc. are anticipated.

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

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

4. **Background**

The Site is subject to planning enforcement action (No. E/NE-MKT/46) against an unauthorised development (UD) involving land filling, dumping and site formation (**Plan A-2**). A Reinstatement Notice (RN) was issued on 16.1.2024 requiring reinstatement of the concerned land, including the removal of leftovers, debris and fill materials (including hard paving) on the land; and grassing the land. As the Site has not been reinstated upon expiry of the RN, prosecution action is being taken by the Planning Authority.

5. **Previous Application**

- 5.1 The Site is the subject of a previous application (No. A/NE-MKT/32) submitted by the same applicant for a temporary vehicle repair workshop with ancillary office for a period of three years, which was rejected by the Committee on 24.11.2023 mainly for the reasons that the proposed use was not in line with the planning intention of the “AGR” zone; and the applicant failed to demonstrate that the proposed use would not generate adverse traffic impact on the surrounding areas.
- 5.2 Details of the previous application is summarised at **Appendix II** and the location is shown on **Plan A-1**.

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 and A-2, aerial photo on **Plan A-3** and site photos on **Plan A-4**)

7.1 The Site is:

- (a) fenced-off, current vacant and generally covered with leftovers, gravels, debris and fill materials;

- (b) bounded to the north and west by temporary warehouses for storage of timber and other associated materials with associated filling of land with a valid planning permission under application No. A/NE-MKT/35³; and
- (c) abutting Lin Ma Hang Road to the south.

7.2 The surrounding areas are of rural character intermixed with open storage yards, temporary domestic structures, vegetated land, fallow agricultural land and tree clusters. To the further north is the village cluster of Muk Wu. To the east across a local track is an open storage currently subject to active enforcement action (No. E/NE-MKT/49).

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 department as set out in paragraph 9.2 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 in the Recommended Advisory Clauses are provided at **Appendices III and IV** respectively.

9.2 The following government department does not support the application.

Agriculture

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

- (a) the proposed use is not supported from agricultural perspective;
- (b) the Site falls within the “AGR” zone and is generally vacant; and
- (c) 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.

10. Public Comments Received During Statutory Publication Period

On 30.7.2024, the application was published for public inspection. During the statutory public inspection period, six public comments were received (**Appendix V**). Three from the representative and local villagers (with 17 villagers’ signatures) from Muk Wu and the representative from San Uk Ling object to the application due to concerns on road safety associated with the proposed use. Two from Kadoorie Farm and Botanic Garden and an

³ The application was submitted to facilitate the relocation of eight brownfield operations affected by the KTN NDA, which was supported by the Development Bureau. It was approved with conditions by the Committee on 19.7.2024 on a temporary basis for a period of three years.

individual object to the application mainly on the grounds of not being in line with the planning intention of the “AGR” zone; and being the subject of a previously rejected application. The remaining one from a member of the North District Council indicates no comment on the application.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary office for a period of three years at the Site zoned “AGR” on the OZP. The proposed use is not in line with the planning intention of the “AGR” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC does not support the application from agricultural perspective as the Site possesses potential for agricultural rehabilitation. Although the applicant claims that the current application is submitted to facilitate partial relocation of a brownfield operation affected by KTN NDA and the proposed office is planned to facilitate the temporary work arrangement during the transition period until the relocation is completed and no other suitable site available for accommodating the proposed office, there is insufficient information in the submission to demonstrate the need to provide a separate office at the Site. There is also no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.
- 11.2 The Site abutting Lin Ma Hang Road to the south is located in an area of rural character intermixed with temporary warehouses, open storage yard, temporary domestic structures, vegetated land, fallow agricultural land and tree clusters. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) has no objection to the application and advises that significant adverse impact on the landscape character and the existing landscape resources arising from the proposed use is not anticipated. The proposed use is not entirely incompatible with the surrounding areas. Nevertheless, though the Site covered with gravels, debris and fill materials is currently subject to active planning enforcement action (No. E/NE-MKT/46) against an UD involving land filling, dumping and site formation, the applicant does not propose regularisation of the unauthorised land filling works under the current application. The Site is not the subject of any previously approved application, and there is no similar application for office use within the same “AGR” zone on the OZP.
- 11.3 The Commissioner for Transport has no comment on the application from traffic engineering perspective. Other relevant governments consulted, including the Chief Engineer/Mainland North of Drainage Services Department, the Director of Environmental Protection and the Director of Fire Services, have no objection to or no adverse comment on the application.
- 11.4 Regarding the adverse public comments mentioned in paragraph 10, the government departments’ comments and the 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 public comments in paragraph 10 above, the Planning Department does not support the application for the following reason:

the proposed use is not in line with the planning intention of the “AGR” zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis.

- 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 22.11.2027. The following conditions of approval and advisory clauses are suggested for Members’ reference:

Approval Conditions

- (a) 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 22.5.2025;
- (b) in relation to (a) above, the implementation of the 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 22.8.2025;
- (c) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) 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 22.5.2025;
- (e) in relation to (d) above, the implementation of the fire service 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 22.8.2025;
- (f) the implementation of the traffic management measures, as proposed by the applicants, within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 22.8.2025;
- (g) in relation to (f) above, the implemented traffic management measures shall be maintained at all times during the planning approval period;
- (h) if any of the above planning condition (c) and (g) 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;
- (i) if any of the above planning condition (a), (b), (d), (e) or (f) 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
- (j) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

Appendix I	Application Form with attachments received on 19.7.2024
Appendix Ia	SI received on 23.7.2024
Appendix Ib	SI received on 26.7.2024
Appendix Ic	FI received on 19.8.2024
Appendix Id	FI received on 29.8.2024
Appendix Ie	FI received on 30.9.2024
Appendix II	Previous Application
Appendix III	Government Departments' General Comments
Appendix IV	Recommended Advisory Clauses
Appendix V	Public Comment
Drawing A-1	Proposed Layout Plan
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plan A-4	Site Photos

**PLANNING DEPARTMENT
NOVEMBER 2024**