

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

**APPLICATION NO. A/YL-TT/544**

- Applicant** : Mang Sang Timber Trading Limited represented by Lawson David and Sung Surveyors Limited
- Site** : Lots 1339 S.A (Part), 1339 S.B to S.G, 1339 S.H ss.1 (Part), 1339 S.H RP (Part) and 1339 RP (Part) in D.D. 117 and Adjoining Government Land (GL), Tai Tong, Yuen Long, New Territories
- Site Area** : 3,170m<sup>2</sup> (about) (including GL of about 942m<sup>2</sup> or about 29.7%)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Tai Tong Outline Zoning Plan (OZP) No. S/YL-TT/18
- Zoning** : “Agriculture” (“AGR”)
- Application** : Proposed Temporary Warehouse for Storage of Construction Materials (Timber, Iron Frames and Aluminium Plates) for a Period of 3 Years

**1. The Proposal**

- 1.1 The applicant seeks planning permission for proposed temporary warehouse for storage of construction materials (timber, iron frames and aluminium plates) for a period of 3 years at the application site (the Site) (**Plan A-1**). Although the proposed use is neither a Column 1 nor 2 use in the “AGR” zone, the covering Notes of the OZP stipulate that temporary use or development of any land or buildings not exceeding a period of three years within the 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 occupied by open storage of vehicles, construction materials and converted containers without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The Site involves three previous applications (No. A/YL-TT/306, 315 and 515) (details at paragraph 5 below).
- 1.3 According to the applicant, the current application is to facilitate relocation of their construction materials trading business from Ma Tso Lung, Kwu Tung North. Their previous operation falls within the Kwu Tung North New Development Area (KTN NDA) and the concerned land (i.e. Lot 2240 S.B (Part) in D.D. 96) had already been resumed by the Government in February 2022. Thus, there is an

imminent need for the applicant to secure a relocation site to continue their affected operation.

- 1.4 The Site is accessible from Tai Tong Road via a short local track (**Drawing A-1** and **Plan A-2**). The proposal consists of enclosed structures for storage of construction materials (timber, iron frames and aluminium plates) and loading/unloading/manoeuvring of vehicles, as well as a washroom. No open storage and workshop activities will be carried out at the Site. Plans showing the vehicular access leading to the Site, site layout, landscape and tree preservation proposal and drainage proposal submitted by the applicant are at **Drawings A-1** to **A-4** respectively.
- 1.5 The major development parameters of the current application are summarised as follows:

Site Area	About 3,170m <sup>2</sup>
Total Floor Area (Non-domestic)	About 2,517m <sup>2</sup>
No. and Height of Structures	3 • for warehouse, loading/unloading/vehicle manoeuvring space and washroom (2.5-12m, 1 storey)
No. of Parking Spaces	2 (for private cars) (5m x 2.5m each)
No. of Loading and Unloading Spaces	2 (for container vehicles) (16m x 3.5m each)
Operation Hours	8:30 a.m. to 5:30 p.m., with no operation on Sundays and public holidays

- 1.6 In support of the application, the applicant has submitted the following documents:

- (a) Application Form received on 22.3.2022 **(Appendix I)**
  - (b) Supplementary Planning Statement **(Appendix Ia)**
  - (c) Further Information (FI) received on 28.4.2022 **(Appendix Ib)**
  - (d) FI received on 5.5.2022 **(Appendix Ic)**
- [(c) and (d) exempted from publication and recounting requirements]*

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

The justifications put forth by the applicant in support of the application are mainly detailed in the Supplementary Planning Statement (**Appendix Ia**). They can be summarised as follows:

### Thorough Site Selection Process

- (a) The applicant had undergone a thorough site selection process in identifying a suitable relocation site for their affected operation. The process had been difficult as land within Categories 1 and 2 areas of the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No. 13F) were either unaffordable or have already been occupied by other operators.

- (b) Ten prospective sites in various districts, including Man Kam To, Kwu Tung, Kong A Leng, Pat Heung, Ping Che and San Tin, etc., had been reviewed and were found to be unsuitable due to various shortcomings such as geographical constraints, high construction/acquisition costs, potential right-of-way disputes, traffic concerns and potential local objections, etc.
- (c) The Site in Tai Tong is considered suitable for relocation as it is highly accessible; the local track connecting the Site does not involve private land; the Site (about 3,170m<sup>2</sup>) is similar in size to the previous operation in Ma Tso Lung (i.e. about 2,800m<sup>2</sup>); and the Site is currently hard-paved and used for open storage purpose.

Importance to the Local Construction Industry

- (d) The applicant is one of the few remaining major timber/plywood suppliers in Hong Kong, and plays a vital role in supporting large-scale public/private projects throughout the territory. The applicant accounted for about 33% and 16% of the imported timber/plywood of Hong Kong in 2020 and 2021 respectively. Successful relocation to the Site would help sustain the operation and help support the upcoming development projects, such as those in the Northern Metropolis Development Strategy and Lantau Tomorrow Vision.

The Site is Unsuitable for Agricultural Rehabilitation

- (e) The Site had not been put to its intended agricultural use for a considerable period of time and there are open storage/storage yards in the vicinity. Overall, the Site is considered unsuitable for agricultural rehabilitation. The proposal, which is not incompatible with the surrounding uses, would put scarce land resources into good use.

No Adverse Traffic, Environmental, Drainage and Visual Impacts

- (f) The daily traffic trips will be limited to non-peak hours. Sufficient maneuvering space will be provided within the Site. Vehicles to and from the Site will not pass through Tai Tong Tsuen. The applicant undertakes to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Use” (Code of Practice) and the Professional Persons Environmental Consultative Committee Practice Notes 5/93. Drainage proposal has been submitted to support the application. Trees and buffer planting are proposed for amenity and screening purpose, which would help soften the visual impact of the proposed development.

No Undesirable Precedent

- (g) The proposed relocation of the applicant’s operation to the Site is a direct result of the Government’s resumption of land for the KTN NDA. Successful relocation of the operation would help maintain a stable supply of timber and other construction materials in Hong Kong and should be considered unique from any other temporary development proposals in the subject “AGR” zone. Approval of the application would not create an undesirable precedent.

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

The applicant is not the “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 notice and sending the notice to the Shap Pat Heung Rural Committee through registered post. Detailed information would be deposited at the meeting for Members’ inspection. For the GL portion, the requirements as set out in TPB PG-No. 31A are not applicable.

### 4. **Background**

The Site is currently not subject to planning enforcement action.

### 5. **Previous Applications**

- 5.1 The Site involves two rejected previous applications (No. A/YL-TT/306 and 315) and one approved previous application (No. A/YL-TT/515) submitted by different applicants for various temporary uses covering different extents of the Site. Details of the applications are summarised in **Appendix II** and the boundaries of the sites are shown on **Plan A-1**.

#### ***Rejected Applications (2 Cases)***

- 5.2 Application No. A/YL-TT/306 covering a minor southeastern portion of the Site for temporary warehouse for storage of spare parts for a period of 3 years was rejected by the Rural and New Town Planning Committee (the Committee) of the Board in 2012, mainly on the grounds that the proposal was not in line with the planning intention of the “AGR” zone; the development was not compatible with surrounding residential uses; there were potential adverse environmental impacts on the surrounding area; and approval of the application would set an undesirable precedent.
- 5.3 Application No. A/YL-TT/315 covering the majority of the Site for temporary open storage of construction machinery and materials for a period of 3 years was rejected by the Board on review in 2014, mainly on the grounds that the proposal was not in line with the planning intention of the “AGR” zone and the then TPB PG-No. 13E; there were potential adverse environmental, landscape and drainage impacts; and approval of the application would set an undesirable precedent.

#### ***Approved Application (1 Case)***

- 5.4 Application No. A/YL-TT/515 covering the eastern portion of the Site was approved in 2021 for a different use (i.e. temporary place of recreation, sports or culture (hobby farm) for a period of 5 years and associated filling of land), though not relevant to the current application.

## **6. Similar Application**

There is no similar application for warehouse use within the subject “AGR” zone.

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

7.1 The Site is:

- (a) accessible via a short local track leading from Tai Tong Road to its northwest (**Plans A-2 and A-3**);
- (b) paved and partly fenced-off; and
- (c) currently occupied by open storage of vehicles, construction materials and converted containers without valid planning permission (**Plans A-2 and A-4**).

7.2 The surrounding areas have the following characteristics (**Plan A-2**):

- (a) predominantly rural fringe in character with mainly open storage/storage yards, vegetated land and residential structures intermixed with agricultural land, ruins and vacant land/structures in the subject “AGR” zone;
- (b) to the north and east in an area zoned “Green Belt” on the subject OZP are mainly unused land, vegetated land and graves within permitted burial grounds, as well as a storage yard and a residential structure;
- (c) there are residential structures in the vicinity of the Site with the nearest one located to the immediate south; and
- (d) the open storage/storage yards in the vicinity are suspected unauthorised developments (UDs) subject to enforcement action taken by the Planning Authority.

## **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 Bureau/Departments**

9.1 Apart from the government bureau/departments as set out in paragraphs 9.2 and 9.3 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 in **Appendices III and V** respectively.

9.2 The following government bureau supports the application.

**Policy Support**

9.2.1 Comments of the Secretary for Development (SDEV):

- (a) the current application is submitted by an operator whose open storage had already been cleared under the government-led KTN NDA project. According to the applicant, they have endeavoured to identify suitable site for re-establishment of their operation elsewhere. Site search had not been easy given the limited supply of private land in the area with the suitable zoning which can meet the operational requirements for storage use. The Site is considered the most suitable and practicable one after an extensive site search carried out by the applicant;
- (b) the applicant claims that the proposed use is not incompatible with the surrounding land uses; no adverse traffic impact is anticipated; mitigation measures will be provided to minimise potential environmental impacts on the neighbouring area; and the Site is of similar scale to their displaced open storage;
- (c) the land freed up by the displaced open storage will together with other cleared land be redeveloped into the KTN NDA, capable of providing about 43,600 housing units in phases. Facilitating relocation of affected brownfield operations including the open storage is crucial 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 needs of the economy, he fully supports the application.

9.3 The following government departments have objection to the application.

**Agriculture**

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

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 greenhouses and plant nurseries, etc. As the Site possesses potential for agricultural rehabilitation, the application is not supported from agricultural point of view.

## **Environment**

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

- (a) he does not support the application as there are residential uses in the vicinity (with the nearest one located to the immediate south of the Site) (**Plan A-2**) and the proposed use will cause traffic of heavy vehicles; environmental nuisance is expected;
- (b) there was no environmental complaint concerning the Site received in the past three years; and
- (c) the applicant should note his advisory comments in the Recommended Advisory Clauses in **Appendix V**.

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

- 10.1 On 29.3.2022, the application was published for public inspection. During the first three weeks of the statutory public inspection period, 16 public comments were received. A full set of public comments will be deposited at the meeting for Members' inspection.

### ***Supporting Comment (1 Comment)***

- 10.2 One individual supports the application and hopes that those operations affected by government projects could be suitably relocated to continue their operation (**Appendix IV-1**).

### ***Objections/Adverse Comments (15 Comments)***

- 10.3 The Kadoorie Farm & Botanic Garden Corporation (**Appendix IV-2**), some local villagers and residents (extracted samples of a similar nature are at **Appendices IV-3 to IV-5**) and two other individuals (**Appendices IV-6 and IV-7**) object to/provide adverse views on the application, mainly on the grounds that the proposal is not in line with the planning intention of the "AGR" zone; the proposal would generate adverse fire safety, traffic, road safety, drainage and environmental impacts, and no technical assessments have been submitted to demonstrate otherwise; the proposal would destroy the *feng shui* of the permitted burial grounds nearby (**Plan A-2**); the proposal is incompatible with nearby hobby farms, residences and the surrounding area; and there are no justifications to substantiate proliferation of brownfield uses on agricultural land.

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

- 11.1 The application is for proposed temporary warehouse for storage of construction materials (timber, iron frames and aluminium plates) for a period of 3 years at the Site zoned "AGR" on the OZP. The application is to facilitate relocation of a business operation affected by the KTN NDA development. The applicant had undergone a thorough site-selection process before identifying the Site as the most suitable site for relocation. Though the Site is located away from the previous operation in Kwu Tung North, the size of the Site (i.e. about 3,170m<sup>2</sup>) is

comparable to their original operation (i.e. about 2,800m<sup>2</sup>). To minimise environmental nuisances on the surrounding areas, enclosed structures, instead of open storage yard, are proposed under the current application. With the policy objective of ensuring timely development of NDA and delivery of housing yield, as well as facilitating the continued operation of displaced brownfield operations still meeting the needs of the economy, SDEV supports the application.

- 11.2 The proposed use is not in line with the planning intention of the “AGR” zone, which 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 mainly on the consideration that the Site possesses potential for agricultural rehabilitation as agricultural activities are active in the vicinity and agricultural infrastructures such as road access and water source are available. Nevertheless, the Site is currently hard-paved, occupied by open storage uses and had not been put to its intended agricultural use for a number of years. In view of the above and with the policy support from SDEV, 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.
- 11.3 The Site is situated in an area of rural fringe character predominated by open storage/storage yards, vegetated land, graves and residential structures (**Plan A-2**). Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) considers that the proposed development is not incompatible with the existing landscape character of the surrounding areas. DAFC also has no comment on the application from nature conservation point of view.
- 11.4 DEP does not support the application as there are sensitive receivers of residential use in the vicinity of the Site (with the nearest one located to its immediate south) (**Plan A-2**), and the proposed use will cause traffic of heavy vehicles; environmental nuisance is expected. In response, the applicant undertakes that no open storage and workshop activities will be carried out at the Site and the operation, which will take place within enclosed structures, would be restricted to 8:30 a.m. to 5:30 p.m. with no operation on Sundays and public holidays so as to minimise potential environmental impacts on the surrounding area. In addition, the access leading from the Site to Tai Tong Road will not pass by any residential dwellings (**Plan A-2**). Relevant approval conditions are recommended in paragraph 12.2 below to minimise any potential environmental nuisances or to address the technical requirements of other concerned government departments. Any non-compliance with the approval conditions will result in revocation of the planning permission and UD on the Site will be subject to enforcement action by the Planning Authority. Should the planning application be approved, the applicant will also be advised to follow the latest Code of Practice to minimise any potential environmental impact on the surrounding areas.
- 11.5 Other relevant departments, including Commissioner for Transport, Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) and Director of Fire Services, have no adverse comment on/no objection to the application.



- 11.6 The Site involves two previous rejected applications (No. A/YL-TT/306 and 315) submitted by different applicants for similar temporary storage uses. The applications were rejected by the Committee and the Board on review in 2012 and 2014 respectively, mainly on the grounds that the proposals were not in line with the planning intention of the “AGR” zone; there were potential adverse environmental, landscape and drainage impacts; and approval of the applications would set an undesirable precedent. Given that DEP’s views have been considered in paragraph 11.4 above and there are no adverse comments from CE/MN, DSD and CTP/UD&L, PlanD, and taking into consideration the justifications provided by the applicant and the policy support from SDEV, the circumstances of the current application may be considered as unique and sympathetic consideration can be given.
- 11.7 There were one supporting public comment and 15 public comments objecting to/providing adverse comments on the application as summarised in paragraph 10 above. The planning considerations and assessments in paragraphs 11.1 to 11.6 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 as summarised in paragraph 10 above, the Planning Department considers that the proposed temporary warehouse for storage of construction materials (timber, iron frames and aluminium plates) could be tolerated for a period of 3 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 3 years until 20.5.2025. The following conditions of approval and advisory clauses are also suggested for Members’ reference:

### Approval conditions

- (a) no operation between 5:30 p.m. and 8:30 a.m., 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 provision of boundary fencing on the Site within **6** months from the date of planning approval to the satisfaction of the Director of Planning or of the Town Planning Board by 20.11.2022;
- (d) the submission of a run-in/out proposal within **6** months from the date of the planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board by 20.11.2022;
- (e) in relation to (d) above, the implementation of the run-in/out proposal within **9** months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the Town Planning Board by 20.2.2023;

- (f) the submission of a revised 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 20.11.2022;
- (g) in relation to (f) above, the implementation of the drainage proposal 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 20.2.2023;
- (h) in relation to (g) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) 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 20.11.2022;
- (j) in relation to (i) 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 20.2.2023;
- (k) if any of the above planning condition (a), (b) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning condition (c), (d), (e), (f), (g), (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.

#### Advisory clauses

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

- 12.3 Alternatively, should the Committee decide to reject the application, the following reasons for rejection are suggested for Members' reference:
- (a) 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. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis; and
  - (b) the applicant fails to demonstrate that the proposed use would not generate adverse environmental impact on the surrounding area.

### **13. Decision Sought**

- 13.1 The Committee is invited to consider the application and decide whether to grant or refuse to grant 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**

<b>Appendix I</b>	Application Form received on 22.3.2022
<b>Appendix Ia</b>	Supplementary Planning Statement
<b>Appendix Ib</b>	FI received on 28.4.2022
<b>Appendix Ic</b>	FI received on 5.5.2022
<b>Appendix II</b>	Previous Applications covering the Site
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendices IV-1 to IV-7</b>	Public Comments received during the Statutory Publication Period (Extracted)
<b>Appendix V</b>	Recommended Advisory Clauses
<b>Drawing A-1</b>	Vehicular Access Plan
<b>Drawing A-2</b>	Site Layout Plan
<b>Drawing A-3</b>	Landscape and Tree Preservation Proposal
<b>Drawing A-4</b>	Drainage Proposal
<b>Plan A-1</b>	Location Plan with Previous Applications
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plan A-4</b>	Site Photos

**PLANNING DEPARTMENT  
MAY 2022**