

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-FTA/196

<u>Applicant</u>	Kinform Timber Company Limited represented by Lawson David and Sung Surveyors Limited
<u>Site</u>	Lots 581 (Part), 582, 583 and 584 RP in D.D. 89, Man Kam To Road, Sha Ling, New Territories
<u>Site Area</u>	About 3,516 m ²
<u>Lease</u>	Block Government Lease (demised for agricultural use)
<u>Plan</u>	Approved Fu Tei Au and Sha Ling Outline Zoning Plan (OZP) No. S/NE-FTA/16
<u>Zoning</u>	“Agriculture” (“AGR”)
<u>Application</u>	Proposed Temporary Rural Workshop (Timber Yard and Sawmill) for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for proposed temporary rural workshop (timber yard and sawmill) for a period of three years (**Plan A-1**). The Site falls within an area zoned “AGR” on the approved Fu Tei Au and Sha Ling OZP No. S/NE-FTA/16. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding a period of three years within “AGR” zone requires planning permission from the Town Planning Board (the Board) notwithstanding that the use or development is not provided for under the Notes of the OZP. The Site is currently vacant.
- 1.2 According to the applicant, the current application is submitted to facilitate the relocation of his timber yard and sawmill workshop in Kwu Tung North (i.e. Lot 2240 S.E ss.1 in D.D. 96 and nearby Government land, Ma Tso Lung). Since his workshop is affected by the Kwu Tung North New Development Area (KTN NDA) development, the concerned parcel of land would need to be resumed and reverted to the Government by the end of 2021.
- 1.3 The proposed temporary development includes a 1-storey temporary main structure of about 12 m in height with a total floor area of about 2,670 m² for sawmill workshop with storage of timber/ plywood, loading/ unloading and parking purposes at the central and southern portions of the Site; and a 2-storey site office of about 5 m height covered by the main structure with a total floor area of 118 m² at the northern portion. Two private parking spaces (5 m x 2.5 m each) and two parking spaces for

container vehicles or medium goods vehicles (16 m x 3.5 m) would be provided (**Drawing A-1** and **Plan A-2**).

- 1.4 The Site is accessible from Man Kam To Road (**Plan A-2**). The operation hours of the Site are between 8:00 a.m. and 5:30/5:00 p.m. on Mondays to Fridays/Saturdays respectively. There would be no operation on Sundays and public holidays. The proposed indicative layout plan and landscape plan, and drawings showing the existing operation of the workshop/storage in Kwu Tung North submitted by the applicant are at **Drawings A-1** to **A-5** respectively.
- 1.5 The Site is partly involved in two previous planning applications (No. A/DPA/NE-FTA/24 and A/NE-FTA/145) submitted by different applicants for container trailer/ tractor park, and temporary lorries, container tractors and trailers park respectively, which were rejected by the Rural and New Town Planning Committee (the Committee) in 1993 and 2014 respectively. Details of these previous applications are set out in paragraph 5 below.
- 1.6 In support of the application, the applicant has submitted the following documents:
- (a) Application form received by the Board on 14.1.2020 (**Appendix I**)
 - (b) Planning Statement received on 14.1.2020 (**Appendix Ia**)
 - (c) Further information received on 27.2.2020 (**Appendix Ib**)
[accepted and exempted from publication]

2. Justifications from the Applicant

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

Effort in Identifying Suitable Site for Relocation

- (a) the applicant has spent effort in identifying suitable site for relocation of his workshop in Ma Tso Lung to pave way for the Government's KTN NDA development;
- (b) whilst the applicant has identified a number of alternative sites in various areas including Hung Lung Hang, Ping Che, Ta Kwu Ling and Yuen Long etc. for relocation of his workshop, those sites were considered not suitable or impracticable due to various issues such as area being too small, sites were sold shortly after some time of consideration, accessibility or environmental problems, etc. (**Appendix Ib**). Though the Site under the current application is located away from the applicant's existing occupation in KTN, the Site area (i.e. about 3,516 m²) is similar to his size of operation in KTN (i.e. about 3,343 m²), and is directly accessible via Man Kam To Road without causing adverse traffic impact on the surroundings;

The Applied Use is the Same as the Affected Business in Ma Tso Lung

- (c) the applicant has been operating the timber business in Hong Kong for almost 30 years. In 2018, the import quantities of timber and plywood by the applicant account for an average of about 22% and 19% of the Hong Kong timber market respectively. There are mainly 8 timber trading suppliers in Hong Kong. The applicant accounts for a significant market share of about 20% in the timber trading

industry (**Appendix Ib**). Also, the applicant is the first timber supplier having awarded green certificates in accordance to Hong Kong Building Environmental Assessment Method (BEAM) Plus standards. It aims to continue to run his business and maintain the timber supply in Hong Kong;

- (d) the proposed temporary development involves workshop and storage of timber materials. The timber would be cut into standard or custom size on the request of the customers. The proposed use is the same as the affected business in KTN. In order to keep up with the trend for constructing green buildings with energy-efficient materials, the Site would also conduct workshop activities for materials other than timber (including aluminium and metal products) to meet the future demand;

No Adverse Environmental Impact on the Surroundings

- (e) domestic structures are found to the east of the Site (**Plan A-2**). To address possible adverse impact, the Site would be fenced off by 2.5 m high and 0.1 m thick solid boundary wall on the east side and 2.5 m high metal sheets on the remaining sides;
- (f) to address EPD's concerns on possible environmental nuisance, the applicant undertakes to provide the following mitigation measures:
 - (i) all workshop activities and loading/unloading activities and parking would only be carried out inside a fully enclosed structure with acoustic materials;
 - (ii) the operating hours would be restricted from 8:00 a.m. to 5:30/5:00 p.m. on Mondays to Fridays/Saturdays respectively to minimize noise impact;
 - (iii) the exhaust of the dust collection system would be located facing Man Kam To Road to avoid affecting nearby domestic premises;
 - (iv) gully grates and silt removal facilities would be installed to prevent water pollution; and
 - (v) petrol interceptor would be installed and cleaned regularly.

No Adverse Traffic Impact on the Surroundings

- (g) the proposed temporary development would generate entry/exit of containers or medium goods vehicles with no more than 10 vehicle trips per day which is the same as the current operation in KTN. During peak hours, there would be only two goods vehicle trips (i.e. one at AM peak and one PM peak). During non-peak hours, i.e. 10:00 a.m. to 4:00 p.m., there would be no more than 7 vehicle trips per day and trips for staff/visitors would also be not more than 4 vehicle trips daily to avoid causing traffic impact on Man Kam To Road. Adequate spaces for manoeuvring of vehicles would be provided within the Site and no queuing of goods vehicles outside the Site would be allowed under any circumstances. To ensure traffic safety, revolving warning lights would be provided at the entrance of the Site; and
- (h) the proposed temporary development is accessible directly from Man Kam To Road which is a 2-lane single carriageway providing major access to/from Man Kam To Control Point and other areas of North East New Territories. In view of the low traffic generation from the proposed development and most of the traffic are

generated in non-peak hours, it is considered insignificant to existing road network and junctions. As no further extension on the scale of the timber business is proposed, the proposed temporary development would not cause adverse traffic impact on the surroundings.

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

The applicant is not a “current land owner” but has complied with the requirements as set out in the Town Planning Board Guidelines on Satisfying the “Owner’s Consent/Notification” Requirements under Sections 12A and 16 of the Town Planning Ordinance (TPB PG-No.31A) by taking reasonable steps to obtain the consent of or give notification to the owners including sending a notice to the Ta Kwu Ling District Rural Committee and posting site notice. Detailed information would be deposited at the meeting for Members’ inspection.

4. Background

The application site is not involved in any active enforcement case.

5. Previous Applications

5.1 The Site is partly involved in two previous planning applications (No. A/DPA/NE-FTA/24 and A/NE-FTA/145) submitted by different applicants.

5.2 Planning application No. A/DPA/NE-FTA/24 for the container trailer/tractor park and ancillary repairing yard at part of the Site was rejected by the Committee on 15.10.1993 on the grounds of not in line with the planning intention of “AGR” zone; incompatible with surrounding land uses; adverse noise, traffic, drainage and landscape impacts to the surrounding environment; and setting of undesirable precedent.

5.3 Planning application No. A/NE-FTA/145 for temporary lorries, container tractors and trailers park for a period of three years was rejected by the Committee on 22.8.2014 mainly on the grounds that the proposed development is not in line with the planning intention of “AGR” zone; the proposed development did not comply with the Town Planning Board Guideline No. 13E for Open Storage and Port Back-up Uses; there would be adverse environmental, traffic and landscape impacts on the surrounding area; and setting of undesirable precedent.

5.4 Details of these previous applications are summarized at **Appendix II** and their locations are shown on **Plan A-1**.

6. Similar Application

There is no similar application for temporary rural workshop use within the “AGR” zone in the vicinity of the Site in the Fu Tei Au and Sha Ling area.

7. The Site and Its Surrounding Areas (Plans A-1 to A-2, aerial photo on Plan A-3 and site photos on Plans A-4a and A-4b)

7.1 The Site is:

- (a) currently vacant, partly formed and partly covered with weeds and fenced off on the north-western and eastern sides; and
- (b) accessible from Man Kam To Road via a small strip of Government land (**Plan A-2**).

7.2 The surrounding areas have the following characteristics:

- (a) Man Kam To Road is to the northwest of the Site and across which are some pipelines and active/fallow agricultural land (**Plans A-2 and A-3**);
- (b) a small stream running in a south-north direction is to the northeast and southeast of the Site and across which are some domestic structures (**Plan A-2**);
- (c) to the south are some vacant and unused land; and
- (d) to the immediate west of the Site is a large site with open storage of containers, car park and logistic centre uses.

8. Planning Intention

The planning intention of the “AGR” zone is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes.

9. Comments from Relevant Government Departments

9.1 The following Government departments have been consulted and their views on the application and/or the public comment received are summarised as follows:

Policy Support

9.1.1 Comments of Secretary for Development (SDEV):

- (a) the current application is to facilitate relocation of a rural workshop displaced by the government-led KTN NDA project. As the KTN NDA has no land reserved for accommodating affected brownfield operations including the rural workshop, the applicant and other displaced operators need to identify relocation sites elsewhere should they wish to re-establish their businesses. Site search has not been easy for the applicant given the limited supply of private land in the area with the right zoning or operational requirements for his rural workshop;

- (b) the Site proposed in the current application is the only one considered suitable and practicable after an extensive site search carried out by the applicant. The proposed rural workshop is not incompatible with the surrounding land uses; will not cause adverse traffic or environmental impacts on the neighbouring area; and is of similar scale of the existing operation to be displaced by the KTN NDA;
- (c) the land freed up by the displaced workshop will together with other cleared land be redeveloped into the KTN NDA, capable of providing about 43,600 housing units in phases starting from 2024 onward. Facilitating relocation of affected brownfield operations including the rural workshop is crucial to the smooth clearance for and implementation of the NDA project; and
- (d) from the perspective of ensuring timely delivery of the housing yield in the NDA and providing operating space for displaced brownfield operations still needed by the community, he fully supports the application.

Land Administration

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

- (a) the Site comprises private lots which are Old Schedule agricultural lots held under the Block Government Lease (demised for agricultural use) without any guaranteed right of access. The applicant should make its own arrangement, and there is no guarantee that any adjoining Government land will be allowed for the vehicular access of the proposed use;
- (b) the existing structures on the Site were erected without approval from this office and are not acceptable under the Lease concerned. This office reserves the right to take necessary lease enforcement actions; and
- (c) if the planning application is approved, the owner(s) of the lots concerned shall apply to this office for a Short Term Waiver (STW) covering all the actual occupation area. The application for STW will be considered by Government in its landlord's capacity and there is no guarantee that they will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by this office.

Traffic

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

- (a) it is noted from the applicant's submission that there would be only two goods vehicle trips at peak hours (i.e. one at AM peak and one PM peak). The traffic impact is considered minimal and the application is considered tolerable from traffic engineering point of view;

- (b) during non-peak hours, i.e. 10:00 a.m. to 4:00 p.m., there would be no more than 7 vehicle trips per day and trips for staff/visitors would also be not more than 4 vehicle trips daily to avoid causing traffic impact on Man Kam To Road. The applicant should be reminded to comply with the submitted traffic arrangement; and
- (c) should the application be approved, the applicant is required to submit and implement the traffic management measures to ensure that it will not cause adverse traffic impact to the surrounding area.

9.1.4 Comments of the Chief Highway Engineer/New Territories East, Highways Department:

- (a) he has no adverse comment on the application; and
- (b) the section of Man Kam To Road adjacent to the Site is under HyD's maintenance purview. However, the area forming the ingress/egress between Man Kam To Road and the Site falls on unallocated Government land which is outside HyD's maintenance purview (**Plan A-2**). The applicant is required to sort out the maintenance responsibility of the affected unallocated Government land with Lands Department.

Environment

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

- (a) he has no in-principle objection to the application subject to the undertaking of the implementation of mitigation measures as proposed by the applicant in paragraph 2(f) and noting that the operation hours of the Site are between 8:00 a.m. and 5:30/5:00 p.m. on Mondays to Fridays/Saturdays respectively and there would be no operation on Sundays and public holidays;
- (b) there are domestic structures about 12 m away from the Site. Please be advised that the EPD's latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" (COP) is applicable to the subject planning applications for temporary use, including but not limited to the environmental measures regarding air quality, noise and water quality; and
- (c) there was no record of environmental complaint against the Site for the past three years.

Drainage

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

- (a) he has no in-principle objection to the application from the public drainage viewpoint;

- (b) should the application be approved, a condition should be included to request the applicant to submit and implement a drainage proposal for the Site to ensure that it will not cause adverse drainage impact to the adjacent area; and
- (c) the Site is in an area where no public sewerage connection is available.

Agriculture

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

- (a) from the agricultural perspectives, the Site is considered to have potential for agricultural rehabilitation, though whether there will be agricultural activities on a specific site will hinge on a lot of factors, such as the landowners' willingness to lease out their land for agricultural use; and
- (b) the Site is vacant with a water channel located to the east of the Site (**Plan A-2**). He has no comment on the subject application from nature conservation point of view.

Fire Services

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

- (a) he has no in-principle objection to the application subject to fire service installations (FSIs) and water supplies for fire-fighting being provided to his satisfaction;
- (b) in consideration of the design/ nature of the proposed use, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his satisfaction;
- (c) the applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;
- (d) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (e) emergency vehicular access (EVA) arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD.

Landscape

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

- (a) she has no objection to the application from the landscape planning point of view;

- (b) according to aerial photo of 2019, the Site is located in an area of rural inland plains landscape character comprises village houses to its immediate east, unauthorized open storages to its immediate west, and vegetated areas to the south of the site. The proposed temporary timber yard and sawmill workshop under this application is not of similar proposed use as the previous planning applications within the same site, and is considered not entirely incompatible with the landscape character in its close proximity;
- (c) furthermore, according to aerial photos 2004 to 2019, majority of the Site is hard paved with no significant landscape resource observed within the site, therefore, significant adverse impact on existing landscape resources arising from the application is not anticipated; and
- (d) it is noted that the Site is set back from Man Kam To Road and there is no major public frontage along the site boundary, it is considered not necessary to impose a landscape condition as its effect on enhancing the quality of public realm is not apparent.

Building Matters

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

- (a) he has no objection in-principle under the Buildings Ordinance (BO) to the proposed use on the application site;
- (b) there is no record of submission of the proposed building/structure to the Building Authority (BA) for approval;
- (c) the applicants' attention is drawn to the following:
 - (i) before any new building works are to be carried out on the Site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
 - (iii) any temporary shelters or converted containers for storage or washroom or workshop or other uses are considered as temporary buildings are subject to control of Part VII of the Building (Planning) Regulations (B(P)R);
 - (iv) the Site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D; and

- (v) if the Site does not abut on a specified street of not less than 4.5m wide, its development intensity shall be determined under the B(P)R 19(3) at the building plan submission stage; and
- (vi) formal submission under the BO is required for any proposed new works, including any temporary structures. Detailed comments under BO will be provided at the building plan submission stage.

District Officer's Comments

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

- (a) the 1st Vice-chairman of Ta Kwu Ling District Rural Committee (TKLDRC) supports the application on the grounds that the applicant is a well-established timber company in Hong Kong with experience in carrying out mitigation measures during operation. There would be no adverse environmental and traffic impacts to the nearby village settlement;
- (b) the Chairman of 打鼓嶺沙嶺居民福利會 objects to the proposal mainly on the grounds that the proposed development will cause environmental nuisance to the nearby villagers in terms of noise, dust, odour, etc.; and
- (c) the incumbent North District Council member of subject constituency, the Resident Representative (RR) and Indigenous Inhabitant Representative (IIR) of San Uk Ling have no comment on the application.

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

- (a) Chief Engineer/Construction, Water Supplies Department; and
- (b) Project Manager (North), North Development Office, Civil Engineering and Development Department.

10. Public Comments Received During Statutory Publication Period

- 10.1 On 21.1.2020, the application was published for public inspection. During the statutory public inspection period, 26 public comments were received (**Appendix III**). Among them, 20 are supporting comments, one indicates no comment and the remaining 5 are objecting comments.
- 10.2 20 supporting comments are from the LegCo Members WONG Ting-kwong, Gary CHAN Hak-kan, current Tai Po District Rural Committee Executive Member Mr. CHENG Chun-ping, a construction company, a village representative of Sheung Shui Yin Kong Village cum indigenous villager within KTN NDA, 12 indigenous villagers within KTN NDA and three residents from Ta Kwu Ling area. In gist, they support the application on the grounds that the applicant has been actively operating the timber business based in Hong Kong for almost 30 years providing

great contribution to the timber industry and major Government infrastructural projects; the applicant has encountered difficulties during the site searching exercise; the Site is not suitable for agricultural rehabilitation; the Site is away from village settlements; there would be no adverse traffic, environmental and drainage impacts to the surrounding area; and the proposed development is not incompatible with the surrounding land uses with concrete batching plant, asphalt plant and storage sites. One NDC Member indicates no comments on the application.

- 10.3 Five objecting comments from WWF-HK, Kadoorie Farm and Botanic Garden, the Hong Kong Bird Watching Society, Designing Hong Kong Limited and an individual object to the application on the grounds that the proposed development is not in line with the planning intention of the “AGR” zone; it is a “destroy first, build later” case; two previously planning applications at the Site was rejected by the Committee; the timber business under application should have a permanent location; the Site was previously subject to several enforcement actions; and the approval of the application would set an undesirable precedent for similar applications.

11. Planning Considerations and Assessments

- 11.1 The application is for a proposed temporary rural workshop (timber yard and sawmill) for a period of 3 years at the Site falling entirely within the “AGR” zone on the OZP. The proposed temporary use 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. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC considers that the Site is having potential for agricultural rehabilitation from the agricultural perspective. Since the Site is currently vacant, partly formed and partly covered with weeds, it is considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone.
- 11.2 According to the applicant, this application is to facilitate the relocation of a timber yard at Ma Tso Lung in KTN affected by the KTN NDA development. Whilst the applicant has spent effort in identifying suitable sites to relocate his workshop to a number of alternative locations, those sites were considered not suitable or impracticable due to various issues such as being too small, sites were sold shortly after some time of consideration, accessibility or environmental problems, etc. Though the Site is located away from his original occupation in KTN, the Site area (i.e. about 3,516 m²) is similar to his business in Ma Tso Lung (i.e. about 3,343 m²), and it is directly accessible via Man Kam To Road without causing adverse traffic impact on the surroundings. Noting that the Site proposed in the current application is the only one considered suitable and practicable after the extensive site search carried out by the applicant and the proposed temporary use is of similar scale of the existing operation to be displaced by the KTN NDA as well as its significant market share of about 20% in the timber trading industry in Hong Kong, SDEV fully supports the application from the perspective of ensuring timely delivery of the housing yield in the NDA and providing operating space for displaced brownfield operations still needed by the community.
- 11.3 The Site is currently formed and vacant, located in an area of rural landscape character comprising village houses to its immediate east, unauthorized open storages to its immediate west, and vegetated areas to the south of the Site. The

proposed temporary timber yard and sawmill workshop under this application is considered not entirely incompatible with the landscape character in its close proximity. CTP/UD&L, PlanD has no objection to the application from the landscape planning point of view as majority of the Site is hard paved with no significant landscape resource observed within the Site. Therefore, significant adverse impact on existing landscape resources arising from the application is not anticipated.

- 11.4 C for T, based on the information submitted by the applicant that there would be only one goods vehicle at AM and PM peak each and most of goods vehicles would be only allowed access to/from the Site during non-peak hours, considers that the traffic impact is minimal and the application is considered tolerable from traffic engineering point of view. DEP also has no in-principle objection to the application as the applicant undertakes the implementation of relevant mitigation measures; and noting that the operation hours of the Site are between 8:00 a.m. and 5:30/5:00 p.m. on Mondays to Fridays/Saturdays respectively and there would be no operation on Sundays and public holidays. Relevant approval conditions in relation to the submission and implementation of the environmental mitigation measures are also recommended. Moreover, the applicant will be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by DEP to minimize the potential environmental impacts on the surrounding areas. Other relevant Government departments consulted, including CE/MN of DSD, D of FS and CE/C of WSD, have no adverse comment on/no objection to the application.
- 11.5 The Site is partly involved in two previous planning applications (No. A/DPA/NE-FTA/24 and A/NE-FTA/145) submitted by different applicants for uses different from the current application. Both applications were rejected mainly on the grounds that there were adverse noise, traffic, drainage and landscape impacts to the surrounding environment; and setting of undesirable precedent. Given there are no adverse departmental comments on the current application, the planning circumstances of the previous rejected applications are different from the current application.
- 11.6 Regarding the local objections conveyed from DO(N) of HAD and adverse public comments as mentioned in paragraphs 9.1.11 and 10.3 above, the Government department's comments and the planning assessment 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 considers that the temporary use under the application 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 6.3.2023. The following conditions of approval and advisory clauses are suggested for Members' reference:

Approval Conditions

- (a) no operation between 5:30 p.m. and 8:00 a.m. on Mondays to Fridays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation between 5:00 p.m. and 8:00 a.m. on Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (d) 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 6.9.2020;
- (e) 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 6.9.2020;
- (f) in relation to (e) 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 6.12.2020;
- (g) the submission of traffic management measures within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 6.9.2020;
- (h) in relation to (g) above, the implementation of traffic management measures identified therein within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the Town Planning Board by 6.12.2020;
- (i) the submission of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.9.2020;
- (j) in relation to (i) above, the implementation of proposals for fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the Town Planning Board by 6.12.2020;
- (k) the submission of proposals for environmental mitigation measures within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 6.9.2020;
- (l) in relation to (k) above, the implementation of proposals for environmental mitigation measures identified therein within 9 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the Town Planning Board by 6.12.2020;

- (m) if any of the above planning conditions (a), (b) or (c) 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;
- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k) or (l) 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
- (o) upon expiry of the planning permission, the reinstatement of the Site to an amenity area to the satisfaction of Director of Planning or of the Town Planning Board.

Advisory Clauses

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

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

- (a) the proposed temporary development is not in line with the planning intention of the "AGR" zone, which is intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis; and
- (b) the approval of the application will set an undesirable precedent for similar applications within the same "AGR" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

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 with Attachments received on 14.1.2020
Appendix Ia	Planning Statement received on 14.1.2020
Appendix Ib	Further information received on 27.2.2020
Appendix II	Previous s.16 Applications
Appendix III	Public Comments
Appendix IV	Recommended Advisory Clauses
Drawing A-1	Indicative Layout Plan

Drawing A-2	Landscape Proposal
Drawings A-3 to A-5	Current extent of the storage/workshop at Ma Tso Lung
Plan A-1	Location Plan
Plan A-2	Site Plan
Plan A-3	Aerial Photo
Plans A-4a to A-4b	Site Photos

**PLANNING DEPARTMENT
MARCH 2020**