

APPLICATION FOR PERMISSION
UNDER SECTION 16 OF THE TOWN PLANNING ORDINANCE

APPLICATION NO. A/NE-KTS/522

- Applicant** : The Federation of Vegetable Marketing Co-operative Societies Limited represented by Ratio Architecture & Planning Company Limited
- Site** : Lot 1060 RP (Part) in D.D. 100, Tong Kung Leng, Kwu Tung South, Sheung Shui, New Territories
- Site Area** : 390m² (about)
- Lease** : Block Government Lease (demised for agricultural use)
- Plan** : Approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/18 at the time of submission of the application
- Draft Kwu Tung South OZP No. S/NE-KTS/19 currently in force [the zoning and development restrictions of the application site remain unchanged]
- Zoning** : “Agriculture” (“AGR”)
- Application** : Temporary Office and Ancillary Toilet for a Period of 3 Years

1. The Proposal

- 1.1 The applicant seeks planning permission to use the application site (the Site) for temporary office and ancillary toilet for a period of three years. The Site falls within an area zoned “AGR” on the draft Kwu Tung South OZP No. S/NE-KTS/19. According to the Notes of the OZP, ‘Office’ is neither a Column 1 nor Column 2 use within “AGR” zone. Notwithstanding this, temporary use or development of any land or building not exceeding a period of three years may be allowed with permission from the Town Planning Board (the Board). The Site is largely vacant and its southern portion is currently used for temporary office without valid planning permission (**Plans A-2 and A-4**).
- 1.2 The application is for office and ancillary toilet, with a total floor area of about 74.3m² in two one-storey structures of 2.5m to 2.8m high. There are 10 staff members

responsible for daily administrative work of the office. The operation hours are from 9:00 a.m. to 5:00 p.m. from Mondays to Fridays; from 9:00 a.m. to 12:00 p.m. on Saturdays; and there is no operation on Sundays and public holidays. The Site is accessible from Fan Kam Road via a village road and local track. There are two private car parking spaces provided in the Site. The layout plan submitted by the applicant is at **Drawing A-1**.

- 1.3 Part of the Site is the subject of a previous application (No. A/NE-KTS/477) submitted by the same applicant for the same use for a period of three years (**Plan A-1**). Application No. A/NE-KTS/477 was approved with conditions by the Rural and New Town Planning Committee (the Committee) on 6.9.2019 but was revoked on 6.2.2022 due to non-compliance with an approval condition regarding the implementation of drainage proposal. Compared with the previous application, the differences of major development parameters are summarised as follows:

	Application No. A/NE-KTS/477 (Previous Application) (a)	Application No. A/NE-KTS/522 (Current Application) (b)	Difference (c) = (b) – (a)
Site Area	About 385 m ²	About 390 m ²	+5 m ² (+1.3%)
No. of Structures (Building Height, No. of Storeys)	2 1 office (about 2.8 m in height, 1 storey) 1 toilet (2.4 m in height, 1 storey)	2 1 office (about 2.8 m in height, 1 storey) 1 toilet (about 2.5 m in height, 1 storey)	No change No change No change (-0.1m in height)
Total floor area	About 85.3 m ²	About 74.3 m ²	-11 m ² (-12.9%)
No. of parking spaces	4	2	-2
- Private cars	2	2	No change
- Light Goods Vehicles	2	N/A	-2

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

- (a) Application Form with attachments received on 8.2.2023 **(Appendix I)**
 (b) Further Information (FI) received on 15.5.2023[#] **(Appendix Ia)**
[#]*exempted from publication and recounting*

- 1.5 On 31.3.2023, the Committee agreed to the applicant's request to defer making a decision on the application for two months.

2. Justifications from the Applicant

The justifications put forth by the applicant in support of the application are detailed in **Appendices I and Ia** as summarised below:

- (a) The applicant was founded in 1953 under Cap. 33 Co-operative Societies Ordinance and its Community Grower Group Office was formed with the support of Agriculture, Fisheries and Conservation Department (AFCD) to promote local organic agriculture.
- (b) Plant nurseries under an agricultural project funded by AFCD's Sustainable Agricultural Development Fund have been set up to the east of the Site and there are 10 staff members responsible for daily administrative work. There is operational need to set up an office with ancillary toilet at the Site.
- (c) The previously approved planning application (No. A/NE-KTS/477) submitted by the same applicant for the same use was revoked owing to encountering technical difficulties in implementation of the approved drainage proposal. A revised stormwater drainage proposal submitted under the current application has demonstrated that the existing stormwater drainage system at the Site is able to collect the surface runoff. No adverse drainage impact is anticipated.
- (d) The applied use is small in scale and not incompatible with the surrounding environment. Traffic generated from the development is minimal. Sewage generated from the proposed toilet will be regularly tanker-away. No adverse traffic and environmental impacts are anticipated.

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 obtaining consents from the two "current land owners" on 11.1.2023. Detailed information would be deposited at the meeting for Members' inspection.

4. Background

The Site is currently not subject to any planning enforcement action.

5. Previous Application

A major part of the Site is the subject of a previous application (No. A/NE-KTS/477) submitted by the same applicant under the current application for the same use for a period of three years. The application was approved with conditions by the Committee in 2019

mainly on the grounds that AFCD supported the application on the basis of its operational need; the proposed development was small in scale and not incompatible with the surrounding environment; and concerned government departments had no objection to/no adverse comment. The application was revoked in 2022 due to non-compliance with an approval condition on the implementation of drainage proposal. Compared with the previous application, the site area under the current application is slightly larger (+5m² / +1.3%) with a smaller total floor area (-11m² / -12.9%) and there is no parking space for light goods vehicles under the current application. Details of the previous application are summarised at **Appendix II** and the location is shown on **Plan A-1**.

6. Similar Application

There is no similar application in the “AGR” zone.

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

7.1 The Site is:

- (a) largely vacant with a structure at the southern part; and
- (b) accessible from Fan Kam Road via village road and local track.

7.2 The surrounding area is predominantly rural in nature and have the following characteristics:

- (a) to its north, east and south are mainly cultivated and fallow agricultural land, a bee feeding field, unused land and some domestic structures; and
- (b) to its immediate west are village road and Tam Shui Hang, and to its further west are mainly cultivated and fallow agricultural land with scattered domestic structures.

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

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 in **Appendices III** and **IV** respectively.

10. Public Comments Received During Statutory Publication Period (Appendix V)

The application was published for public inspection. During the statutory publication period, 2 public comments were received from individuals, with one raising objection in considering that the Site should be used for cultivation and the other one indicating no comment.

11. Planning Considerations and Assessments

- 11.1 The application is for temporary office with ancillary toilet for a period of three years at the Site zoned “AGR” on the OZP (**Plan A-1**). 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. AFCD considers that the applied use in relation to a project supported by the Sustainable Agricultural Development Fund is essential to the operation of the farm to the east of the Site, and thus the application is supported from agricultural perspective. In this connection, the applied use is considered as supporting the planning intention of the “AGR” zone.
- 11.2 The development includes two single-storey structures. Given its small scale, it is considered not incompatible with the surrounding environment, which are predominantly rural in nature with cultivated and fallow agricultural land intermixed with some domestic structures (**Plan A-2**).
- 11.3 Concerned government departments consulted, including Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), Director of Fire Services, and Chief Town Planner/Urban Design and Landscape of Planning Department have no objection to/no adverse comment on the application. There is no substantiated environmental complaint received in the past three years. To minimise any potential environmental nuisances and address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. In addition, the applicant will be advised to adopt the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Uses” issued by the Director of Environmental Protection.
- 11.4 As detailed in paragraph 5, a major part of the Site is the subject of a previously approved application No. A/NE-KTS/477 for the same use submitted by the same applicant in 2019. Approval of the current application is in line with the previous decision of the Committee. While the previously approved application was revoked in 2022 due to non-compliance with an approval condition related to the implementation of the drainage proposal, the applicant has submitted a revised drainage proposal in support of the current application. The revised drainage proposal was considered acceptable by CE/MN of DSD, and he has no adverse

comment on the application. The applicant would be advised that should he fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration may not be given to any further application.

- 11.5 Regarding the opposing public comment received on the application as stated in paragraph 10 above, 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 public comments mentioned in paragraph 10, the Planning Department considers that the temporary office with ancillary toilet 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 14.7.2026. The following approval conditions and advisory clauses are also suggested for Members' reference:

Approval conditions

- (a) the implementation of the accepted 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 14.1.2024;
- (b) the implementation of the accepted 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 14.1.2024;
- (c) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (d) if the above planning condition (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; and
- (e) if any of the above planning condition (a) or (b) 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 attached at **Appendix IV**.

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

the applied use is not in line with the planning intention of the “AGR” zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There is no strong planning 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 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 8.2.2023
Appendix Ia	FI received on 15.5.2023
Appendix II	Previous application
Appendix III	Government departments’ general comments
Appendix IV	Recommended advisory clauses
Appendix V	Public comments
Drawing A-1	Layout plan
Plan A-1	Location plan
Plan A-2	Site plan
Plan A-3	Aerial photo
Plan A-4	Site photos

**PLANNING DEPARTMENT
JULY 2023**