

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

**APPLICATION NO. A/NE-LT/776**

<b><u>Applicants</u></b>	: Mr. CHI Yiu Hung and Ms. CHI Man Yan
<b><u>Site</u></b>	: Lots 1115, 1116 and 1119 in D.D. 7, Kau Liu Ha, Lam Tsuen, Tai Po, New Territories
<b><u>Site Area</u></b>	: About 648m <sup>2</sup>
<b><u>Lease</u></b>	: Block Government Lease (demised for agricultural use)
<b><u>Plan</u></b>	: Approved Lam Tsuen Outline Zoning Plan (OZP) No. S/NE-LT/11
<b><u>Zoning</u></b>	: “Agriculture” (“AGR”)
<b><u>Application</u></b>	: Temporary Shop and Services with Ancillary Office for a Period of Three Years

**1. The Proposal**

- 1.1 The applicants seek planning permission for temporary shop and services with an ancillary office for a period of three years at the application site (the Site) (**Plan A-1**) which falls within an area zoned “AGR” on the OZP. According to the covering Notes of the OZP, temporary use or development of any land or building not exceeding three years requires planning permission from the Town Planning Board (the Board). The Site is currently used for the applied use without valid planning permission.
- 1.2 The Site is accessible via a local track connecting to Lam Kam Road (**Plans A-1 and A-2**). According to the applicants, the applied use consists of seven structures with building height of 3m to 6m (1 to 2 storeys) for a meeting room, shelters and storage areas of agricultural products and equipment on the ground floor, and an ancillary office on the first floor. No parking space will be provided within the Site. The layout plan of the development submitted by the applicants is shown on **Drawing A-1**. The opening hours will be between 8:00 a.m. to 10:00 p.m. from Mondays to Sundays.
- 1.3 The Site is the subject of a previous application No. A/NE-LT/734 submitted by the same applicants for the same use, which was approved by the Rural and New Town Planning Committee (the Committee) of the Board on 23.12.2022 and the planning permission was revoked on 23.6.2024 due to non-compliance with conditions. Compared with the previous application, the development parameters and layout of

the applied use generally remain the same. Details of the previous application are set out in paragraph 5 below.

1.4 In support of the application, the applicants have submitted the following documents:

- (a) Application Form with attachment received on 21.11.2024 (Appendix I)
- (b) Further Information (FI) received on 31.12.2024<sup>^</sup> (Appendix Ia)

<sup>^</sup> *accepted and exempted from the publication and recounting requirements*

## **2. Justifications from the Applicants**

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

- (a) the three subject lots are hard-paved and have been used for agricultural use by the applicants' family for the past decades;
- (b) the applied use is mainly for temporary storage of agricultural products, with sale of plants to visitors occasionally;
- (c) the application does not involve filling of land;
- (d) no parking space will be provided within the Site to ensure no queuing of vehicles outside the Site and no adverse traffic impact is anticipated. There are only limited number of visitors and they are encouraged to use public transport;
- (e) all waste water generated during operation and maintenance of the proposed structures will be properly collected and disposed of. No chemicals including fertilizers and detergents will be used and there will be no toilet facilities to ensure no material increase in pollution effect within the water gathering ground (WGG);
- (f) plants will be placed in covered areas to prevent nutrients and organic matters leach into overland flows within WGG; and
- (g) the Site is the subject of an approved application No. A/NE-LT/734.

## **3. Compliance with the "Owner's Consent/Notification" Requirements**

The applicants are the sole "current land owners". Detailed information would be deposited at the meeting for Members' inspection.

## **4. Background**

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

## **5. Previous Application**

The Site is the subject of a previous application No. A/NE-LT/734 submitted by the same applicants for the same use as the current application, which was approved by the Committee on 23.12.2022 mainly on the grounds that the temporary nature of the applied use would not jeopardize the long-term planning intention of the “AGR” zone, not incompatible with the surrounding environment, and would not cause insurmountable water quality and environmental impacts. The planning permission was revoked on 23.6.2024 as the applicants failed to comply with approval conditions in relation to submission and implementation of drainage proposal, and implementation of fire services installations (FSIs) proposal. Details of the application are summarised at **Appendix II**.

## **6. Similar Application**

There is no similar application within the same “AGR” zone in the vicinity of the Site.

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

7.1 The Site is:

- (a) located within upper indirect WGG;
- (b) paved and currently used for the applied use without valid planning permission;
- (c) situated at the northeastern fringe of Kau Liu Ha; and
- (d) accessible via a local track connecting to Lam Kam Road.

7.2 The surrounding areas are predominantly rural in character comprising farmland, tree clusters, temporary structures and village houses. Lam Kam Road is located to the southeast of the Site. Village houses are found to the north and west of the Site and some plant nurseries are located in the vicinity of the Site.

## **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 the Relevant Government Departments**

9.1 Apart from the government department as set out in paragraph 9.2 below, other departments consulted have no objection to or no adverse comment on the application. Their general comments on the application and advisory comments in the Recommended Advisory Clauses are provided at **Appendices III** and **IV** respectively.

9.2 The following government department does not support the application.

**Agriculture**

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

- (a) does not support the application from agricultural perspective; and
- (b) there are active agricultural activities in the vicinity of the Site and agricultural infrastructure such as road access and water source is 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 Comment Received During Statutory Publication Period**

On 3.12.2024, the application was published for public inspection. During the statutory public inspection period, one public comment was received (**Appendix V**) objecting to the application mainly on the ground that the previously approved application lapsed as the applicants failed to fulfill relevant approval conditions.

**11. Planning Considerations and Assessments**

- 11.1 The application is for temporary shop and services with ancillary office for a period of three years at the Site zoned “AGR” on the OZP. While the applied use is not in line with the planning intention of the “AGR” zone and DAFC does not support the application from agricultural perspective as there are active agricultural activities in the vicinity of the Site and the Site has potential for agricultural rehabilitation, it is intended to provide services for sale of agricultural or other related products, which would enhance green living to meet the needs of the local community. Taking into account the planning assessments below, approval of the application on a temporary basis for a period of three years could be tolerated.
- 11.2 The Site, situated at the northeastern fringe of Kau Liu Ha and with access to Lam Kam Road, is currently used for the applied use. The applied use for temporary shop and services with ancillary office is considered not incompatible with its surrounding environment, which is located in an area of settled valleys landscape character comprising farmland, cluster of tree groups, temporary structures and village houses (**Plan A-2**). The Chief Town Planner/Urban Design and Landscape of Planning Department has no adverse comment to the application as significant adverse landscape impact arising from the applied use is not anticipated. Should the application be approved, an approval condition requiring the applicant to reinstate the Site to an amenity area is recommended in paragraph 12.2 below.
- 11.3 The Site is located within the upper indirect WGG. The applicants have confirmed that there will be no toilet facilities and no chemicals including fertilizers and detergents will be used to ensure no material increase in pollution effect within the WGG. In this regard, the Director of Environmental Protection and Chief

Engineer/Construction, Water Supplies Department have no objection to/ no comment on the application.

- 11.4 The Site is the subject of a previously approved application No. A/NE-LT/734 submitted by the same applicants for the same use as detailed in paragraph 5 above. As compared with the previously approved application, the development parameters and layout of the applied use generally remain the same. The planning permission was revoked on 23.6.2024 due to non-compliance with approval conditions in relation to submission and implementation of drainage proposal, and implementation of FSIs proposal. Relevant government departments consulted including the Commissioner for Transport, Chief Engineer/Mainland North of Drainage Services Department and Director of Fire Services have no objection to/ no comment on the application. To address the technical requirements of concerned government departments, appropriate approval conditions are recommended in paragraph 12.2 below. Should the Committee approve the application, the applicants will be advised that should there be failure to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration will not be given to any further applications. As the planning circumstances of the current application are similar to the previously approved application, approval of the current application is generally in line with the Committee's previous decision.
- 11.5 Regarding the adverse public comment as detailed in paragraph 10 above, 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 comment mentioned in paragraph 10 above, the Planning Department considers that the applied use could be tolerated for a period of three years.
- 12.2 Should the Committee decide to approve the subject application, it is suggested that the permission shall be valid on a temporary basis for a period of three years until 10.1.2028. The following conditions of approval and advisory clauses are also 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 10.7.2025;
- (b) in relation of (a) 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 10.10.2025;
- (c) in relation to (b) above, the implemented drainage facilities should 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 10.7.2025;
- (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 10.10.2025;
- (f) 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;
- (g) if any of the above planning condition (a), (b), (d) or (e) 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
- (h) 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 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 which is to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis.

## **12. Decision Sought**

- 12.1 The Committee is invited to consider the application and decide whether to agree, partially agree, or not to agree to the application.
- 12.2 Should the Committee decide to approve the application, Members are invited to consider the approval condition and advisory clauses, if any, to be attached to the permission, and the period of which the permission should be valid on a temporary basis.
- 12.3 Alternatively, should the Committee decide to reject the application, Members are invited to advise what reason(s) for rejection should be given to the applicants.

**13. Attachments**

<b>Appendix I</b>	Application Form with attachment received on 21.11.2024
<b>Appendix Ia</b>	FI received on 31.12.2024
<b>Appendix II</b>	Previous Application
<b>Appendix III</b>	Government Departments' General Comments
<b>Appendix IV</b>	Recommended Advisory Clauses
<b>Appendix V</b>	Public Comment
<b>Drawing A-1</b>	Layout Plan
<b>Plan A-1</b>	Location Plan
<b>Plan A-2</b>	Site Plan
<b>Plan A-3</b>	Aerial Photo
<b>Plans A-4a and 4b</b>	Site Photos

**PLANNING DEPARTMENT  
JANUARY 2025**